

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
DECEMBER 14, 2004

6:00 PM

- **MEET WITH TIGARD-TUALATIN SCHOOL DISTRICT CONSULTANT ON RECRUITMENT**

6:30 PM – 2nd Floor Library Conference Room – 13500 SW Hall Blvd., Tigard, Oregon

- **STUDY SESSION**

> 360 REVIEW DISCUSSION

> MEASURE 37 UPDATE ON FILINGS & FINALIZE PROCESS

> BUDGET PRINCIPLES DISCUSSION

> CITY HALL CABLE AND TELEPHONE LINE DISCUSSION (SEE ALSO –
CONSENT AGENDA ITEM NO. 3.5)

- **EXECUTIVE SESSION:** The Tigard City Council may go into Executive Session as provided by ORS 192.660. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Tigard High School Student Envoy Nikki Pham
- Tigard Area Chamber of Commerce Dan Murphy
- Follow-up to Previous Citizen Communication

3. **CONSENT AGENDA:** These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve Council Minutes for November 9 and November 15, 2004
- 3.2 Receive and File
 - a. Council Calendar
 - b. Tentative Agenda
 - c. Canvass of Votes for Mayor, Two City Councilor Positions, and Bull Mountain Annexation Measure-November 2, 2004 Election
- 3.3 Local Contract Review Board:
 - a. Approve the purchase of a Chevrolet police pursuit Tahoe Sport Utility vehicle
 - b. Approve the purchase of two Ford F-250 pick-up trucks for the Public Works Division
 - c. Approve the purchase of three Ford F-350 pick-up trucks for the Public Works Division
- 3.4 Amend City Manager's Employment Agreement Confirming Health Insurance Benefits
- 3.5 Approve Budget Amendment No. 7 to the FY 2004-05 Budget to Increase Appropriations in the Facility Fund for the Upgrade of the Wiring System in City Hall – Resolution No. 04-
- 3.6 Approve Budget Amendment No. 6 to the FY 2004-05 Budget to Increase Appropriations in the Community Services Program to Establish a Residential Services Agency Emergency Fund – Resolution No. 04-

- Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.

4. **CONSIDER A RESOLUTION RECOGNIZING MELVIN WALKER FOR TWENTY-THREE YEARS OF SERVICE WITH THE CITY OF TIGARD**
- a. Staff Recommendation: Dennis Koellermeier, Public Works Director
 - b. Council Discussion
 - c. Council Consideration – Resolution No. 04-_____

5. PUBLIC HEARING – RESOLUTION TO DECLARE REAL PROPERTY LOCATED AT 14040 SW 117TH AVENUE AS SURPLUS AND AUTHORIZE STAFF TO CARRY OUT THE SALE OF SAID PROPERTY.
 - a. Open Public Hearing
 - b. Summation by Joe Barrett, Buyer
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 04-_____

6. ADOPT PARKS SYSTEMS DEVELOPMENT CHARGES (SDC) METHODOLOGY AND MASTER FEE RATE RESOLUTION
 - a. Staff Recommendation: Dennis Koellermeier, Public Works Director
 - b. Council Discussion
 - c. Council Consideration: Resolution No. 04-_____
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7. PUBLIC HEARING – ORDINANCE TO IMPLEMENT MEASURE 37, PROVIDING A PROCESS FOR CONSIDERATION OF WRITTEN DEMANDS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, AND AMENDING ORDINANCE 04-12.
 - a. Open Public Hearing
 - b. Summation by Jim Hendryx, Community Development Director
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Ordinance 04-_____

8. PUBLIC HEARING (Quasi-Judicial) - ARBOR SUMMIT AND ADJACENT PROPERTIES ANNEXATION – ZCA 2004-0001

REQUEST: The applicant is requesting annexation of two (2) parcels containing 8.9 acres into the City of Tigard, better known as Arbor Summit Subdivision I and II. An additional 9.29 acres has been included by means of consent (Bella Vista Subdivision). The City is also including a 17.91 acre piece of the contiguous Summit Ridge Subdivision by using double majority, as allowed by Oregon Revised Statute 222.170.2, Effect of consent to annexation by territory. Therefore, this annexation is for eight (8) parcels totaling 36.1 acres. **LOCATION:** Eight contiguous properties located between SW Bull Mountain Road and SW Beef Bend Road, east of SW 133rd Avenue and west of Turnagain Heights; also known as Arbor Summit I and II, Bella Vista, and a portion of Summit Ridge Subdivisions. 12780 and 12950 SW Bull Mountain Road; 12525, 12635, 12655 and 12825 SW Beef Bend Road; and 2 unaddressed parcels. Washington County Tax Assessor's Map Numbers 2S109AD, Tax Lots 1400 and 1500; 2S109DA, Tax Lot 2200; and 2S109DD, Tax Lots 100, 102, 300, 306 and 7000. **ZONE:** R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. Open Public Hearing
- b. Declarations or Challenges
- c. Summation by Jim Hendryx, Community Development Director
- d. Public Testimony
 - Proponents
 - Opponents
 - Rebuttal
- e. Staff Recommendation
- f. Council Questions
- g. Close Public Hearing
- h. Council Consideration: Ordinance No. 04-_____

9. PUBLIC HEARING – ORDINANCE TO CONSIDER CODE AMENDMENT TO ALLOW BULK SALES IN THE INDUSTRIAL PARK (IP) ZONE
 - a. Open Public Hearing
 - b. Summation by Jim Hendryx, Community Development Director
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Ordinance No. 04-_____

10. REVISED CITY/TRIMET MEMORANDUM OF UNDERSTANDING (MOU)
 - a. Staff Report: Jim Hendryx, Community Development Director
 - b. Council Discussion
 - c. Council Consideration: Adopt Memorandum of Understanding

11. PUBLIC HEARING – RESOLUTION TO ADOPT AMENDED MASTER FEES FOR LONG-RANGE PLANNING
 - a. Open Public Hearing
 - b. Summation by Jim Hendryx, Community Development Director
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 04-_____

12. RESOLUTION AUTHORIZING CITY MANAGER TO SIGN OREGON PARK AND RECREATION DEPARTMENT/LAND AND WATER CONSERVATION FUND FANNO CREEK TRAIL GRANT APPLICATION
 - a. Staff Report: Dennis Koellermeier, Public Works Director
 - b. Council Discussion
 - c. Council Consideration: Resolution 04-_____

13. PUBLIC WORKS DEPARTMENT: MISSION/VALUES EXERCISE RESULTS
 - a. Staff Report: Dennis Koellermeier, Public Works Director

14. COUNCIL LIAISON REPORTS

15. NON AGENDA ITEMS

16. ADJOURNMENT

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
November 9, 2004

The meeting was called to order at 6:31 p.m. by Council President Wilson.

Council Present: Councilors Moore, Sherwood, Wilson, Woodruff. Mayor Dirksen was excused.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:32 p.m. to discuss pending litigation under ORS 192.660(2)(h).

Executive Session concluded at 7:07 p.m.

- STUDY SESSION

- > LEAGUE OF OREGON CITIES FOLLOW-UP – Mr. Monahan distributed copies of handouts relating to the League of Oregon Cities Annual Meeting (Exhibit 1 – League’s Legislative Report & Positions, Exhibit 2 – Measure 37: Some Preliminary Thoughts for Implementation by Cities, Exhibit 3 – Hometown Voices – on file with the City Recorder).
- > SAFETY AWARD - Mr. Monahan noted Tigard had received the Gold Safety Award for similar sized cities. He will present the award during the Business Meeting.
- > NATIONAL LEAGUE OF CITIES - 3rd ATTENDEE – Mr. Monahan noted Councilor-Elect Sally Harding has indicated she would like to attend the NLC conference in December.
- > JOINT MEETING TIGARD-TUALATIN SCHOOL DISTRICT & CITY OF TUALATIN AGENDA ITEMS - Monday, November 15, a Tigard/Tualatin School District office on Sandburg St., 6:30 pm
- > FIFTH TUESDAY DISCUSSION - First session: Tuesday, November 30 - Mr. Monahan distributed his memo (Exhibit 4) which describes the format of the meeting. The Councilors discussed what they hoped would be achieved from this as well as the format of the meeting.
- > DOWNTOWN TREE LIGHTING IS ON DECEMBER 3, 2004 – Mr. Monahan noted this will be held at Liberty Park.

- > MAYOR'S APPOINTMENT ADVISORY BOARD
JANUARY 2005 – JUNE 2005 - TOM WOODRUFF
JULY 2005 – DECEMBER 2005 - SALLY HARDING

The Council concurred with these appointments.

- > ADMINISTRATIVE ITEMS

- a. Calendar Review

- November 11: Veterans Day- - City Hall Closed
 - November 16: City Council Workshop Meeting – 6:30 pm
 - November 23: City Council Business Meeting – 6:30 pm
 - November 25: Thanksgiving - City Hall Closed
 - November 26: City Hall Closed – LIBRARY OPEN
 - November 30: 5th Tuesday – Water District Auditorium/Lobby Conf. Room – 6:30 pm
 - December 1-4: National League of Cities Conference- Indianapolis
 - December 6: Cathy Wheatley returns!
 - December 14: City Council Business Meeting – 6:30 pm
 - December 21: City Council Workshop Meeting – 6:30 pm
 - December 24: City Hall Closed - LIBRARY OPEN
 - December 28: City Council Business Meeting – 6:30 pm
 - December 31: City Hall Closed – LIBRARY OPEN

- > REVISED DRAFT ORDINANCE ON ALPINE VIEW ANNEXATION

Mr. Hendryx presented a memo and revised draft ordinance for the Alpine View Annexation scheduled for the business meeting.

- > RESOLUTION WITHDRAWING/RESCINDING RESOLUTION 04-58

Mr. Ramis indicated this issue had been reviewed during the Executive Session, and Council would be requested to approve the proposed resolution.

Study session recessed at 7:35 p.m.

1. BUSINESS MEETING

- 1.1 Council President Wilson called the Council and Local Contract Review Board Meeting to order at 7:38 p.m.
- 1.2 Roll Call: Councilors Moore, Sherwood, Wilson and Woodruff were present; Mayor Dirksen was excused.
- 1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports

Mr. Monahan noted Tigard received the Gold Safety Award at the League of Oregon Cities Annual Conference from LOC and the City/County Insurance Services. The City's injury frequency rate of 1.47 in Fiscal Year 2003-04 was the best record for larger cities, and represents the fine work of Risk Manager Loreen Mills and her staff, as well as all employees who make safety a high priority. Tigard received this award several years ago.

Council President Wilson announced the Council's first Fifth Tuesday meeting is a time for the public to come and discuss any issue they want in a more relaxed environment. The first event will be held November 30 from 7 to 9 p.m. in the Water Building. Several councilors will attend the meeting, which will be facilitated by a volunteer facilitator.

Mr. Monahan noted a press release will be issued with more details, and the event also announced in area newspapers and on the City's website.

1.5 Call to Council and Staff for Non-Agenda Items - none

2. CITIZEN COMMUNICATION

- Dan Murphy, immediate past president of the Chamber of Commerce, updated the Council on Tigard Area Chamber of Commerce activities, including the Washington Square 2 Parking Garage ribbon cutting, Lunch Forum and networking events, Christmas Tree Lighting on Main Street, and the Holiday Shoebox project.
- John Frewing, 7110 SW Lola Lane, Tigard, stated he had two concerns:
 - * Requested Council not completely drop the Bull Mountain Annexation planning as the area will eventually be part of the City of Tigard, and noted as long as the urban services agreement exists with Washington County covering that area, the City needs to continue its dialogue with residents. He noted the City also needs to be more involved in the Metzger area as well.
 - * Noted there has been a lot of heavy equipment operating in the wetland and flood plain area along Fanno Creek. After checking with the City, he found no permit had been issued for any such work. He feels this work violates the 50-foot buffer requirement in wetland and flood plain areas required by the Corps of Engineers and Clean Water Services, and requested the City enforce those regulations before damage occurs. He noted some of the grading has taken place within five feet of Fanno Creek. An e-mail was sent to Mayor Dirksen about this issue.

Council President Wilson noted Mr. Frewing's messages and staff responses were forwarded to all the Councilors so everyone was aware of his concerns.

Mr. Monahan noted Mr. Duenas will address this concern at the end of the meeting.

- Gretchen Buehner, 3249 SW 136th Place, Tigard, noted the last *Cityscape* newsletter was not received by citizens until the middle of the month, after several important meetings and events highlighted in the issue had already taken place. She understood there were problems getting State approval relating to some articles, as well as other problems. She urged the City staff to look at its policies to ensure this does not happen again, and that the next issue include an apology and explanation of why this issue of *Cityscape* was late.

Mr. Monahan explained Ms. Newton had informed the Council when this occurred about the reasons for the delay, and there wasn't any new information to be presented.

Council President Wilson suggested Ms. Newton explain at this time what occurred as the public might not be aware of the circumstances.

Ms. Newton noted staff's goal is to have *Cityscape* reach citizens the first of the month. The last issue of *Cityscape* included information about the Bull Mountain annexation that staff felt needed to be reviewed by the State Elections Office. Because the State had received a number of requests and the amount of information submitted to the State Elections for review, there was a delay in processing Tigard's information. Staff did pull several items from the newsletter that were occurring at the beginning of the month, but felt the newsletter containing information regarding City Hall Day on October 14 would reach residents in plenty of time. She noted she received her copy on October 13, but heard some residents did not receive their copy until the 16th. Ms. Newton noted the City's commitment was to get the newsletter out by the first of the month. She noted if the City runs into a similar situation in the future, they will submit information earlier to the State Election Office for their review.

Mr. Monahan noted Ms. Newton had also pointed out there were other sources where citizens could get information about the City Hall Day other than *Cityscape*, such as area newspapers and the City's website. Staff does not depend entirely on *Cityscape* to inform citizens of events and meetings, but staff is aware that *Cityscape* is a major means of communication with the public. He appreciated hearing the concerns from citizens that *Cityscape* is used and relied upon as a source of

information for what is happening in the City. Staff will try their best to see that the *Cityscape* is in citizen's hands by the end of the month.

- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, congratulated Councilor Woodruff on his election, noting she was impressed with the goals he had expressed at various forums and interviews. His goals included managing residential growth, acquiring more land for parks and open space, working on better channel of communications, as well as proposing the Citizen Forums on Fifth Tuesdays. She stated she would help Councilor Woodruff and the other Councilors work on those goals. She also congratulated Councilor-Elect Sally Harding, and expressed the hope that the next four years will be fruitful to the Council and the City.

Council President Wilson noted the election results will be discussed later on the Council's agenda; he congratulated Mayor Dirksen, Councilor Woodruff and Councilor-Elect Sally Harding, as well as the other candidates who ran for office, and hoped they will remain involved in other City programs.

- Lisa Hamilton-Treick, 13565 SW Beef Bend Road, unincorporated Bull Mountain area, asked for clarification regarding who can participate in the Fifth Tuesday Citizen Forums. During the earlier study session, it was indicated the Citizen Forums were for City of Tigard residents only.

Council President Wilson concurred that was what Council discussed, but it would include issues related to City of Tigard business. This process is an experiment, but the intent would not to stifle communication by citizens. There needs to be some structure to the process.

Ms. Hamilton-Treick noted as a resident of unincorporated Bull Mountain area, she was concerned that residents of that area, who live in the area subject to Tigard's urban services agreement, would not be precluded from participating at the Citizen Forum. This should be the case as long as the Urban Services agreement is in effect for that area. The area receives water and storm sewer service to that area.

- FOLLOW-UP TO PREVIOUS MEETING COMMENTS

Mr. Monahan noted follow-up to the concerns raised at the October 26 meeting relating to the four resolutions adopted October 12 were all focused on Council resolutions relating to the Bull Mountain annexation process, and his interpretation was that clarification had been made at that time, and therefore no additional follow-up was needed.

3. CONSENT AGENDA

Rob Williams, Youth Advisory Council President, read the consent agenda.

Upon motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt the Consent Agenda as follows:

- 3.1 Approve Council Minutes for October 19, 2004
- 3.2 Receive and File
 - a. Council Calendar
 - b. Tentative Agenda
- 3.3 Appoint Planning Commission Members: RESOLUTION NO. 04-86 – A RESOLUTION TO REAPPOINT KATHERINE MEADS AND JUDY MUNRO TO THE PLANNING COMMISSION.
- 3.4 Approve GSA Per Diem for Council and Executive Staff: RESOLUTION 04-87 – A RESOLUTION WHICH SUPERSEDES RESOLUTION NO. 01-60 AND SETS POLICY ON PER DIEM ALLOWANCES FOR THE CITY COUNCIL AND EXECUTIVE STAFF WHEN TRAVELING FOR MORE THAN ONE DAY ON OFFICIAL BUSINESS OF THE CITY.
- 3.5 Approve Budget Amendment #4 To Increase Appropriations for Funding of a Firewall for the City's Computer Network: RESOLUTION. 04-88 – A RESOLUTION APPROVING BUDGET AMENDMENT #4 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS FOR FUNDING OF A FIREWALL FOR THE CITY'S COMPUTER NETWORK.
- 3.6 Local Contract Review Board
 - a. Award contract for HVAC Maintenance Services

The motion was approved by a unanimous vote:

Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

Council President Wilson noted one of the Planning Commission members, Ms. Meads, who was being reappointed, was in the audience.

4. UPDATE ON YOUTH ADVISORY COUNCIL & YOUTH FORUM

Liz Newton, Assistant to the City Manager, reviewed the history of the Youth Advisory Council and Youth Forum. This program is now in its second year, and

members of the Youth Advisory Council will present their report. The Youth Advisory Council Board at a recent meeting, made some changes to their bylaws. They are filing for a grant that if successful would provide \$100,000 a year for five years to fund youth programs in the city. Connie Ramaekers of the Tigard School District and Shelley Richards assist with the program.

Rob Williams, Youth Advisory Council President, noted this program allows youth to be represented on a number of boards and commissions in the city, giving the youth members a way to express their opinions and feel their opinions are valued. He then reviewed the mission and vision statements of the Youth Advisory Council.

The following members of the Youth Advisory Council presented reports: Sammi Trestik, Alexander Carson, Sarah Walsh, Ethan Brown, and Brandon Arocha.

Mr. Williams noted members were working with City staff in order to develop space on the City's website and Cityscape dedicated to youth programs. Formal action by Council is requested to acknowledge the Youth Advisory Council's mission and vision statements.

Councilor Moore stated he was impressed with YAC's accomplishments of the past year and plans for the upcoming year. He felt it was an omission on the part of the Council for not recognizing their efforts sooner.

Councilor Sherwood noted the organization she works for has been a recipient of some of the services, including receiving some of the blankets YAC collected which were then given to needy families in the area. She concurred that what the Youth Advisory Council is doing is great for the community.

Councilor Woodruff asked how many youth participate currently and what schools are represented. Mr. Williams stated there are currently 13 members of the Board, but hope to eventually have 30 members so they have subcommittees working on different programs, based on interest. Some members are home-schooled, as well as students at Tigard High and Jesuit High, and some other outlying schools.

Ms. Newton noted that Mr. Williams is an ex-officio member of the City Council, Mr. Brown serves on the Parks and Recreation Board, Ms. Trestik was just offered a position on the Library Advisory Board; Paul Iford is on the Downtown Task Force and has also expressed interest to serve on the Planning Commission, and several youth are offering to sit on the Mayor's Youth Forum. At their last meeting, the YAC board members planned their whole calendar of events for the

upcoming year, and approved all committee assignments. The Youth Advisory Council members are very productive and committed.

5. OREGON DEPARTMENT OF TRANSPORTATION HALL BOULEVARD/MATT GARRETT

Gus Duenas, City Engineer, explained last March, Council had met with Matt Garrett, the new ODOT Region 1 Manager, about projects that would benefit Tigard regardless of jurisdiction. Four issues had been identified of mutual concern.

- 1) Since March, the library has been completed. During the design phase of the library, the City had requested signalization of the intersection on Hall Boulevard. While Region 1 staff had supported the proposal, the project was turned down by the State Traffic Engineer. Since that time, City and Region 1 staffs have been working to convince the State Traffic Engineer's staff to reconsider that decision.
- 2) Sidewalk crossing on Hall Blvd. in front of the Tigard Christian Church has generated a lot of citizen comments and support.
- 3) Paving of Hall Blvd. – This was done without informing the City this was scheduled.
- 4) Improve Hall Blvd., with the future intention of turning it over to the City.

Mr. Garrett commended Mr. Duenas for being proactive in contacting his staff which has set up a good relationship between the two jurisdictions. He noted that three of the four concerns outlined have positive resolution. He then reviewed each of Staff's concerns:

- Region 1 recommended approval of the signalization in front of the library on Hall Blvd., but the State Traffic Engineer overturned the recommendation. His staff has been working with the Traffic Engineer's office, and today he received verbal confirmation of approval as well as that the State Traffic Engineer had signed the necessary forms to begin the process. He will continue to check that the project is on track and gets done.
- The crossing on Hall Blvd. will take approximately six months to a year to complete. ODOT is aware of the increased pedestrian traffic after the library opened between City Hall and the Library. Several options were debated, and just today, came the conclusion that it would be possible to install a crosswalk and appropriate signage to warn motorists they are entering a pedestrian area. The crosswalk will be installed at the location the crossing signalization would eventually be, to avoid later mix-ups.

- He understood the paving job on Hall Blvd. came as a surprise to the City. ODOT got ahead of itself on the paving job, and communication broke down when they did not keep the City informed about the timetable. He has taken steps within the Agency to correct the structural deficiency about notification to affected local agencies prior to projects like this and to make sure the planning and maintenance staffs communicate.
- The possibility of transferring jurisdiction of the Hall Blvd. from ODOT to the City is a very complicated issue, and is one that both Region 1 staff and the Transportation Commission would like to endorse. Staff will be looking at roads, such as Hall Blvd., to see if they no longer serve a state-wide function and if found that it doesn't, then engage in conversation with the appropriate municipality about the possibility to transferring jurisdiction. There are issues such as cost and public benefit of a road transfer to be reviewed, to make sure the possible transfer meets the needs of both jurisdictions. Similar discussions are underway with other municipalities about an intergovernmental transfer of several state roads that run through other cities.

Council President Wilson noted several concerns regarding communication issues. Jack Reardon, manager of the Washington Square Shopping Center, informed him he found out about the improvement of the northbound Hwy. 217/Scholls Ferry Road off-ramp project only two weeks before the construction was to begin. Because Washington Square is the largest generator of traffic in Washington County, he felt Mr. Reardon and the City of Tigard should have been informed much earlier about the project. He is also Tigard's liaison on the Washington County Coordinating Committee, which generally is kept informed about projects like this throughout the County, and this did not occur. He asked how projects like this get funded, who decides on the project, what the public process is, and why Washington Square and the City of Tigard were not involved or informed about this project.

Mr. Garrett responded conversations about this project probably took place over two years ago when money was appropriated for ramp preservation. Since to the Region I office, he has recognized his staff needs to keep ahead of things throughout the Region and to be a better partner with other agencies/municipalities who are affected by ODOT's projects. Mr. Reardon is generally sent notices of all projects impacting Hwy. 217, because they know that Washington Square would be impacted by any work done on Hwy. 217. He will have to go back to his office to find out exactly what happened on this project. He noted this type of project generally is planned out to be accomplished in some future year. There are plans for significant work to be done on Hwy. 217, by adding a third north bound lane between Tualatin Valley Highway and Hwy. 26, with a price tag of over \$30 million, as well as other major projects. They also look at what the function is supposed to be on Hwy. 217, which originally was as a local road function, not as a connector between I-5 and Hwy. 26.

Regarding the question of where these conversations take place, it begins at a grass roots level, and then on through Metro's Joint Policy Advisory Committee on Transportation (JPACT) where representatives from cities and counties rate the various projects, and prioritize needs versus revenue. Most of the projects JPACT is involved with are federal modernization funds that come directly to Metro to be allocated throughout the region.

Mr. Garrett noted the off-ramp project may have been a preservation project which might have been generated through ODOT's road management system. This system has every facility in the State's road system identified, data maintained and updated constantly, and notes when a facility or section is moving into a "poor" condition that needs to be addressed. Staff looks at the list, looks at the dollar costs of improvements, and assigns funds throughout the year. How this happened so quickly is a concern, and he will check on this to make sure this wasn't a fairly intense maintenance effort. Councilor Wilson's question has caught his attention because that is not the way it is supposed to happen.

Council President Wilson stated his next concern relates to the City's update of its comprehensive plan during the next year. A major concern will be the Hwy. 99 Corridor. If ODOT comes to Tigard and says it intends to allocate \$2 million, \$20 million or even \$200 million to upgrade Hwy. 99 that would have a huge impact on how the City handles Hwy. 99 in its comprehensive planning process. He did not know the last time ODOT conducted a study of the Hwy. 99 corridor. The City will be looking at zoning, access control, how much backlog of traffic there is on roads intersecting with Hwy. 99, and how to improve traffic movement. He stated he would like to start having discussions with ODOT to find out if there are plans to make any improvements to Hwy. 99. Some things such as the roads off Hwy. 99 will be the City's responsibility. He hoped the City and ODOT can work together on those concerns over the next year.

Mr. Garrett stated the City has his commitment to have that joint discussion. He will have Region 1's Planning Manager work with the City on this program, but they still need to use their funds strategically, and then make and prioritize its funding resources. The City's challenge is the same as the State's, which is to make the dollars go as far as possible because the needs far exceed revenues. He pointed out that citizens and motorists do not really care if Hwy. 99 is a state, county or city highway as long as they can get from one place to another safely and efficiently. ODOT's concern is to make sure the dollars spent is used strategically and in the best way possible. One way this happens is to meet with cities like this in order to present this comprehensive vision. He completely concurs with Council President Wilson's concern and assured the Council that he or one of his staff will be here to participate in the city's process.

Councilor Woodruff noted every survey or questionnaire taken about livability issues in Tigard has Hwy. 99 as being one of the top three concerns. He noted anything the State can do to raise Hwy. 99 on the State's priority list would be helpful. He noted there have been a lot of complaints about the lack of a crosswalk and/or signal on Hall Blvd. in front of the library, and the City would appreciate anything the State can do to take care of that concern.

Mr. Garrett replied there will be a signal and/crosswalk on Hall Blvd. but installation will take time, between six months to a year. An interim measure might be to put in a temporary crosswalk, and do the full project later. Another possibility would be to install a flashing beacon to warn motorists pedestrians might want to cross Hall Blvd. He stated there would be more bang for the buck if such a beacon or temporary crosswalk is located at the location where the eventual signal would be located.

Councilor Moore asked if the State was in the design phase for improvements for the Hall Blvd. /Hwy. 99 intersection.

Mr. Garrett stated he would have to check on the status of that project.

Mr. Duenas responded that intersection was approved for funding in the MSTIP-3 project list through Washington County.

Councilor Sherwood stated she felt relations between Tigard and ODOT have improved since Mr. Garrett met with the Council in March. She pointed out that as both agencies look at projects of mutual concern, it is better to leverage more dollars to make improvements rather than using our money on small projects that do not make much of a difference, and keep reiterating that traffic can be improved on Hwy. 99. She thanked Mr. Garrett for his assistance.

Mr. Garrett said Tigard and the State also needs to include Washington County in the conversation as well, because that partnership might be the place where additional funding could be leveraged, as the County has some local funds that it allocates. Everyone has the same challenges so everyone needs to work together to take on the challenges.

The Council and Mr. Garrett discussed holding similar meetings on a more routine basis, possibly quarterly or on-as needed basis. Mr. Garrett stated he or someone from his staff will be available whenever the Council would like to meet. Council President Wilson suggested scheduling a meeting when there was a specific project or reason to meet. Mr. Garrett said he will make sure someone from his staff provides information during the City's comprehensive plan process.

Mr. Monahan noted it was conversations during the past year with Mr. Garrett and his staff that finally got the funding for the TGM grant for the downtown planning project. There have been many other successes that have not been discussed. He noted his staff will develop a system to contact Mr. Garrett to schedule a meeting every six months or so, or as needed if something comes up, during the interim period.

6. PUBLIC HEARING (QUASI-JUDICIAL) TO CONSIDER ZONE CHANGE ANNEXATION (ZCA) 2004-00002 ALPINE VIEW ANNEXATION

REQUEST: The applicant is requesting to annex four (4) parcels of land containing 8.69 acres into the City of Tigard. **LOCATION:** Washington County Tax Assessor's Map Numbers 25109AB, Tax Lots 700, 800, 900 and 1000. **ZONE:** R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. Council President Wilson opened the Public Hearing.

The staff report was given at this time (See discussion under section "c").

- b. Declarations or Challenges

Tim Ramis, City Attorney, asked:

- If any member of the Council had any communication with anyone involved in the process that needed to be disclosed on the record – *there were none;*
- If Councilors had viewed the property or were familiar with the property - *there were no disclosures;* or
- If any Councilor had a conflict of interest;
- If any citizen challenged a Councilor to hear this matter – *there were none.*

Councilor Sherwood noted she was personal friends with several of the property owners involved in the proposed annexation and felt she should recuse herself from participating in the hearing.

Councilor Woodruff stated he also knew one of the property owners, but did not feel there was a conflict of interest.

c. Staff Report

Jim Hendryx, Community Development Director, presented the staff report including a PowerPoint presentation (Agenda Item #6, Exhibit #1), a copy of which is on file with the City Recorder. As a result of staff's contacting surrounding property owners, one additional property was added to the application. Mr. Hendryx noted one letter was received prior to this hearing from Thomas J. Murphy, attorney with Scott Hooklane Lawyers, who is representing property owners, James and Shirley Rippey (Agenda Item No. 6, Exhibit 2, and copy on file with the City Recorder). Mr. Murphy's letter addressed the issue of the easement across the Rippey property. His response to Mr. Murphy indicated access is not addressed as part of an annexation proposal, but would be part of the subsequent land use application. In addition, today the staff received some revisions to the draft ordinance from the City Attorney's office (Agenda Item No. 6, Exhibit 3, copy on file with the City Recorder). Copies of the proposed ordinance had been distributed to Council and additional copies were available to the members of the audience. He noted the proposal complies with all applicable standards contained in the comprehensive plan and development code, all service providers were notified of the proposed annexation and no comments or concerns were received.

Councilor Woodruff asked if there was any opposition to the proposal.

Mr. Hendryx noted the only comment was the letter from Mr. Murphy, but that just addressed the issue of the easement and access questions.

d. Public Testimony

Lamoine Eiler, 2387 SW Northrup #9, Portland, representing the applicant, Colton/Fettig Company, stated he was present in case Council had any questions.

- e. Staff Recommendation: Mr. Hendryx noted the staff's recommendation was for approval of the revised ordinance.
- f. Council Discussion: There was no Council discussion.
- g. Council President Wilson closed the Public Hearing.
- h. Council Consideration of Ordinance No. 04-11.

Upon motion of Councilor Moore, seconded by Councilor Woodruff, to approve ORDINANCE NO. 04-11 – AN ORDINANCE ANNEXING THE ALPINE VIEW AREA, APPROVING ANNEXATION ZCA 04-00002, AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

The motion was approved by the following vote:

Councilor Moore	-	Yes
Councilor Sherwood	-	Abstain
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

7. ELECTION RESULTS

Ms. Newton reviewed the unofficial results of the November 2 election for Mayor, two Council positions, and Ballot Measure 34-98, Annexation of the Bull Mountain area to the City of Tigard, within the city and the unincorporated Bull Mountain area (Agenda Item No. 7, Exhibit #1 on file with the City Recorder). These results were not final but the County did not anticipate the results would change. The County has 20 days to certify the election results, so the final results will be brought to Council probably on December 14.

Councilor Woodruff noted he and Councilor-Elect Harding thanks the voters for the trust they have placed on them. He complimented Alice Ellis Gaut, Joshua Chaney, and Gretchen Buehner on the campaign, and stated he hoped they would remain active in the City activities as well as consider running again.

8. COUNCIL LIAISON REPORTS

CONSIDER RESOLUTION WITHDRAWING AND RESCINDING RESOLUTION 04-58.

Mr. Ramis noted the Councilors received the proposed resolution during the study session. He noted Council had approved Resolution 04-58 adopting findings relating to the land use decision concerning the Bull Mountain Annexation. The ballot measure was defeated on November 2, and the resolution is no longer necessary. As City Attorney, it is his recommendation that Council rescind the resolution. Another

aspect of this matter is there is a pending LUBA appeal on the land use application (Resolution 04-58), and by rescinding the resolution, it will have the affect of ending that litigation. (Agenda Item No. 8, Exhibit 1 for copy)

Upon motion of Councilor Moore, seconded by Councilor Sherwood, to approve RESOLUTION 04-89 – A RESOLUTION WITHDRAWING AND RESCINDING RESOLUTION 04-58, which approved the land use application to annex Bull Mountain, and further to direct the City Attorney to take steps to dismiss the LUBA Appeal of Resolution 04-58.

The motion was approved by a unanimous vote:

Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

9. NON AGENDA ITEMS

FOLLOWUP FROM CITIZEN COMMUNICATION - JOHN FREWING'S CONCERN ABOUT WETLAND AREA NEXT TO LIBRARY

Mr. Monahan noted Mr. Duenas has been monitoring the situation Mr. Frewing is concerned about.

Mr. Duenas explained staff held a pre-application meeting with Mr. Fields, owner of the property adjacent to the library. When the City purchased the library site from Mr. Fields, a condition of the sale allowed Mr. Fields to retain access rights to his property on the other side of Fanno Creek from the library property. Old maps of the area show a trail leading across the creek. At this time, the access from the library property is the only legal access to that property that is passable. From Milton Court, there are green spaces and no legal access to Mr. Fields property. During the past several weeks, Mr. Fields brought in some heavier pieces of equipment to clear the blackberries and other vegetation in order to survey his property, to determine the area that might be developable or would need to be retained as wetland or floodplain areas. No trees were cut and he has not applied for a land use application. Enforcement of Tigard Municipal Code (TMC) provisions are triggered by development, which Mr. Fields is not doing. An inspector was sent last Friday to check on the work. The inspector found Mr. Fields was doing what he had indicated he was going to do, which was to do enough work to conduct his survey which is within his rights. The equipment had to cross Red Rock Creek, above where it intersects with Fanno Creek, where a long established culvert which had been filled in.

From the pictures submitted by Mr. Frewing and the inspection made last week, it was determined all activity was above the flood plain. When staff met with Mr. Fields, copies of the City's rules and regulations and the flood plain maps were provided. This work was necessary before he could come up with a plan for development. Mr. Fields found the aerial photographs did not represent the accurate conditions that the heavy tree and brush growth hid. Based on this survey, there is more developable land than was thought possible.

Council President Wilson noted Clean Water Services (CWS) has its regulations, and asked who is responsible for investigating possible violations.

Mr. Duenas replied the City is responsible for enforcement relating to wetlands and floodplains. Clean Water Services standards and requirements apply after permits have been issued. If property is just being cleared of brush, which actually is allowed by the City's Development Code to identify and survey the property, there is no violation of CWS definitions. The City's code and enforcement is not triggered until a land use application has been filed. Regarding the possible habitat for turtles, his staff did not see any turtles when they were there. The ponds, however, are suitable as an environment for turtles. He noted the Wall Street LID is in the design phase, which will realign Pine Grove Creek and make it a free-flowing creek as well as eliminate one of the ponds. CWS supports the plan as it will eliminate heated water from being discharged into Fanno Creek.

Mr. Monahan noted Mr. Duenas had referenced Wall Street LID, but it is not certain that project will actually happen. He recalled during the negotiations with Mr. Fields when the City purchased the library site, there was discussion about Mr. Fields being able to use this access. The City agreed to his request so he could access his property across the culvert, knowing that would be a temporary situation. He also noted he has limited access to the back portion in order to keep the grass mowed, but not was a permanent access for a development.

Councilor Sherwood noted this property is zoned industrial and asked what would be his access after development.

Mr. Monahan replied it would be Wall Street.

Councilor Sherwood asked what the impacts will be if the Wall Street LID does not happen.

Mr. Duenas replied that if Wall Street LID is not approved, there are other measures that would be taken. They could take the first 125 feet of Wall Street from Hall Blvd. along the library, and then possibly build a bridge across Fanno Creek to serve the property on the other side of the creek. It would not be possible to have access from

the other side of the railroad. He noted there is a pre-hearing conference scheduled for mid-December, after which staff will report to Council on the status of the proposed Wall Street LID, and Council will need to decide whether to proceed further with the LID.

Mr. Frewing explained the staff has not addressed the issue of tree removal. One part of the TMC defines trees as a "woody stem two inches in diameter, but Section 7.90 of the Code, which is the tree code, "defines trees as being six inches or larger." Mr. Fields cut a lot of trees which are still lying on the ground in that 25-acre area. He noted the pond turtles would not be seen now as they would be in hibernation. The survey the City had conducted for the preliminary planning of the Wall Street LID mapped the wetlands and flood plain very carefully, and before the library was built, another map of the flood plain was created. The library building is located one foot above the flood plain and a lot of the property is lower than that. Mr. Duenas wrote in an e-mail to him that Mr. Fields is not doing anything outside the TMC and cited TMC Section 7.75.020(b) that would allow this work. He felt subsections (d), (f) and (g) of that section should apply to this situation.

Mr. Duenas responded that he had responded by e-mail which Mr. Frewing may not have read yet. Those sections Mr. Frewing refers to is triggered by a land use application or land form alterations, which is not occurring.

Mr. Frewing stated he felt Mr. Fields was clearing his land, and these sections would apply. Even if he does not yet have a permit, by bringing in heavier equipment to survey the property, a lot of mud has been generated and huge ruts created from the equipment tires. The culvert they crossed on Red Rock Creek is located just five feet upstream from Fanno Creek. He is concerned the City is not enforcing its regulations. He would be willing to go out with staff or Council tonight or tomorrow to review the damage that has been caused. Regarding access from Milton Court located at the other end of the property, where a new city park is located, Metro owns that property, but it is in the flood plain, and there would have to be negotiations with Metro for access, but the wetlands could be avoided.

Councilor Woodruff asked Mr. Duenas to check if Mr. Fields is done with his work. Councilor President Wilson asked staff to review the code regarding Mr. Frewing's concern about trees being defined as two inches.

Mr. Duenas responded that he would contact Mr. Fields. He again pointed out that crossing the area does not trigger anything in terms of the City Code. He noted there is a long established trail across the culvert that was used to access the property across the creek. He will also check the TMC, but the Tree Code defines trees as being six inches in diameter.

Mr. Monahan noted staff will check into the Code as well as the status of Mr. Fields work activities, and whether any trees as defined by the Code have been cut, and would report back to Council.

COUNCIL TRAINING

Mr. Monahan noted that since there will be a change in the composition of the Council, Mr. Ramis had suggested providing some training on a variety of issues to Councilors.

Mr. Ramis stated he generated a list of topics that Council may want to have some training on, which he then distributed (Agenda Item #9, Exhibit No. 1, on file with the City Recorder). He asked Councilors to review the list and give him feedback on any topics they would like to have or do not feel they need.

Mr. Monahan read the list of items, and noted the law on local contracting would be changing shortly.

10. ADJOURNMENT

Upon motion of Councilor Woodruff, second by Councilor Sherwood, and unanimously carried, to adjourn the meeting at 9:07 p.m.


Jane McGarvin, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: _____

November 15, 2004 Joint Meeting Minutes, Page 1

Tigard-Tualatin School District, 23J
Joint Meeting of the Tigard-Tualatin School District Board of Directors
Tigard City Council and Tualatin City Council Minutes

The minutes are official after Board approval and will be posted at www.ttsd.k12.or.us.

Board Members Present:

Caroline Neunzert, Board Chair
Art Rutkin, Vice-Chair
Barry Albertson (arrived at 7:43 PM)
Conde Bartlett
Mark Chism

Tualatin City Council Present:

Steve Wheeler, City Manager;
Ed Truax, Council President
Chris Bergstrom, Councilor
Chris Barhyte, Councilor
Bob Boryska, Councilor
Jay Harris, Councilor Elect

Legislators Present:

Representative Jerry Krummel
Representative Larry Galizio
Senator Ginny Burdick

Tigard City Council Present:

Craig Dirksen, Mayor
Bill Monahan, City Manager
Nick Wilson, Council President
Sydney Sherwood, Councilor
Tom Woodruff, Councilor
Sally Harding, Councilor Elect

Others Present:

Patricia Keller, TTSD Executive Assistant
Susan Stark Haydon, TTSD Community Relations Dir.
Stephen Poage, TTSD Director of Capital Projects
Phil Wentz, TTSD Risk Management
Paul Hennon, Tualatin Community Services Dept.
Lt. Jeff Groth, Tualatin Police Department
Cleon Cox, Community Member
Barbara Sherman, *Times Publications*
Luciana Lopez, *Oregonian*

Call to Order:

Tigard-Tualatin School District Chairman Neunzert called the Joint meeting of the Tigard-Tualatin School District Board of Directors, Tigard City Council and Tualatin City Council to order at 7:00 PM at the Hibbard Administration Building, 6960 SW Sandburg St., Tigard, OR 97223.

Q & A with Legislators:

Representative Jerry Krummel, Representative Larry Galizio, and Senator Ginny Burdick each presented their assessment of things to come during the upcoming legislative session.

Election results

Steve Wheeler, Tualatin City Manger, said that while the parks measure passed, the funding for the library did not. The School District was successful in renewal of their Local Option Tax by a slim margin. Bill Monahan, City of Tigard Manger, said the annexation of Bull Mountain into the City was not successful.

Construction Update

- City of Tualatin Bond Projects: Construction of a soft surface jogging trail and an all-weather football field at Tualatin High funded by the City of Tualatin bond, but will be coordinated jointly by the City of Tualatin and the District. It is projected to be complete by August 2005. The proposed pedestrian bridge connecting the cities of Tualatin, Tigard and Durham is due to be completed in summer 2006.

Ed Truax thanked the board for allowing the community food bank to utilize space at the old Tualatin Elementary.

2004-2005 Tigard-Tualatin School District Board of Directors:
Caroline Neunzert, Chair; Art Rutkin, Vice-Chair; Barry Albertson, Conde Bartlett, Mark Chism

- Tigard-Tualatin School Projects still in process include Tigard High School, the renovation/additions to Templeton and Tuality common campus. The Templeton & Tuality project should be completed next month. Alberta Rider Elementary school project is beginning on Bull Mountain. Stephen Poage stated that working with the cities of Tigard and Tualatin personnel has been a great experience and everyone involved has been very helpful.

Tigard Community Needs Survey. A parks and recreation survey was conducted among about 400 residents regarding interest in development of parks, skate park and/or recreation district. The survey results were inconclusive but did reveal less support for a skate park and more support for open space. Barry Albertson is a member of the park and recreation board.

5th Tuesday Meeting. Mr. Monahan stated that approximately four times a year there is a 5th Tuesday. The council has agreed to meet on the '5th Tuesdays' with no set agenda and citizens who attend can ask questions of councilors. Public notice will be issued and minutes will be taken.

City-School District Partnerships

To improve communication with Tigard residents who don't have children in school, Susan Stark Haydon will work with Liz Newton to develop a community plan that will include articles in Cityscape and outreach in neighborhoods to provide connection to schools.

Police Response to Criminal Issues

Lt. Jeff Groth along with Bill Dickinson, Tigard Police Chief and Phil Wentz TTSD Risk Manager said both City Police Departments maintain a great relationship with District administration. The establishment of good communication and frequent trainings at District sites is a benefit to the department(s) and the District in case of an emergency situation. Both police departments have immediate access to district buildings, if needed and are informed of school lockdown drills that take place.

Other

Chairman Neunzert asked everyone to think about agenda items for the next joint meeting and that joint interest should be presented to our legislators, jointly.

Adjourn

Chairman Neunzert adjourned the joint meeting at 8:47 PM.

Prepared by Patricia Keller, TTSD Executive Assistant

Mayor

Approval Date

MEMORANDUM

Administration



TO: Honorable Mayor and City Council

AGENDA ITEM # 3.2a.

FROM: Joanne Bengtson

FOR AGENDA OF 12.14.04

DATE: December 3, 2004

SUBJECT: Three-Month Council Calendar

Regularly scheduled council meetings are marked with an asterisk (*).

December

20 Monday Joint Meeting with Board of Commissioners, 6:30 pm –
Library Community Room

24 Friday Christmas Eve – City Hall Closed, Library Open

25 Saturday Christmas Day – Library Closed

31 Friday New Year's Eve – City Hall Closed, Library Open

January

1 Saturday New Year's Day – Library Closed

11* Tuesday Council Meeting – 6:30 pm, Town Hall

17 Monday Martin Luther King Holiday – City Hall Closed, Library Open

18* Tuesday Council Goal Setting – Noon, Tigard Water Auditorium

25* Tuesday Council Business Meeting – 6:30 pm, Town Hall

February

8* Tuesday Council Business Meeting – 6:30 pm, Town Hall

15* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall

21 Monday President's Day - City Hall Closed, Library Open

22* Tuesday Council Business Meeting – 6:30 pm, Town Hall

Meeting Date: December 14, 2004 Meeting Type/Time: Business/6:30 p.m. Location: City Hall Greeter: Materials Due @ 5: November 30, 2004 Bid Opening Deadline: November 29, 2004 Scan Deadline @ noon: November 26, 2004 Req to Sched Due @5: November 12, 2004 Televised: Yes Attorney Attends: Yes	Meeting Date: December 20, 2004 Meeting Type/Time: Workshop/6:30 p.m. Location: Community Room Greeter: Materials Due @ 5: December 6, 2004 Bid Opening Deadline: December 5, 2004 Scan Deadline @ noon: December 2, 2004 Req to Sched Due @5: November 19, 2004 Televised: No Attorney Attends: No	Meeting Date: December 28, 2004 Meeting Type/Time: Business/6:30 p.m. Location: City Hall Greeter: Materials Due @ 5: December 14, 2004 Bid Opening Deadline: December 13, 2004 Scan Deadline @ noon: December 10, 2004 Req to Sched Due @5: November 24, 2004 Televised: Yes Attorney Attends: No
Study Session		Study Session
	Joint Meeting with the Washington County Board of Commissioners	Meeting Canceled
Consent Agenda		Consent Agenda
Public Sewer Easements Vacation Initiation (VAC2004-00002) - RES - Jim H.		
Business Meeting		Business Meeting
Parks System Master Plan Update - Dennis - 15 min OR Park & Rec Dept/Land & Water Conservation Fund Fanno Creek Trail Grant App - RES - Dennis - Dennis/Jim H - 10 min Adopt Parks SDC Methodology & Rates - MOTION - Dennis Code amendment to allow bulk sales in the IP (Industrial Park) zone - Jim H - 15 min Revised City/TriMet - MOU - Duane - 5 min *Long Range Planning Fees - Jim H *Arbor Heights Annexation Declare property at 14040 SW 117th Ave as surplus & authorize sale of prop - PH - Craig - 5 min PW Dept: Mission/Values Exercise Results - PPT - Dennis - 15 min Adopt RES Recognizing Melvin Walker for 23 yrs of Service - Dennis - 5 min		

Meeting Date:	January 11, 2005	Meeting Date:	January 18, 2005	Meeting Date:	January 25, 2005
Meeting Type/Time:	Business/6:30 p.m.	Meeting Type/Time:	Workshop/5:00 p.m.	Meeting Type/Time:	Business/6:30 p.m.
Location:	City Hall	Location:	City Hall	Location:	City Hall
Greeter:	Liz	Greeter:		Greeter:	
Materials Due @ 5:	December 28, 2004	Materials Due @ 5:	January 4, 2005	Materials Due @ 5:	January 11, 2005
Bid Opening Deadline:	December 27, 2004	Bid Opening Deadline:	January 3, 2005	Bid Opening Deadline:	January 10, 2005
Scan Deadline @ noon:	December 24, 2004	Scan Deadline @ noon:	December 31, 2004	Scan Deadline @ noon:	January 7, 2005
Req to Sched Due @5:	December 10, 2004	Req to Sched Due @5:	December 17, 2004	Req to Sched Due @5:	December 23, 2004
Televised:	Yes	Televised:	No	Televised:	Yes
Attorney Attends:	Yes	Attorney Attends:	No	Attorney Attends:	No
Study Session				Study Session	
		Council Goal Setting - Water Auditorium - Noon		Executive Session	
Consent Agenda				Joint meeting with the Budget Committee - Craig - 30 min	
*5:30 p.m. - Ceremonial meeting & pictures				LCRB Update & Feedback on Revised Purchasing & Contracting Administrative Rules-Craig-20 min	
				*Verizon Agreement - Craig	
Business Meeting				Consent Agenda	
*Oath of Office				*Verizon Agreement - Craig	
*Mayor's State of City					
*Youth Council Resolution				Business Meeting	
				Affordable Housing Fee Assistance Request - Jim H - MOTION	
				Zone Ord Amend Incorporating FEMA Requirements - ORD - PHL - Jim H - 15 min	
				Update of Library Strategic Plan & Operations - PPT - Margaret	
				*Draft Council Goals - Review	
				*Vision Update - Liz/Loreen - 20 min	
				Finalize Sewer Reimbursement District #27 PP, PHI, RES- Gus - 10 min	
				Finalize Sewer Reimbursement District #30 PP, PHI, RES- Gus - 10 min	
				Formation of Sewer Reimbursement District #32 PP, PHI, RES- Gus - 10 min	

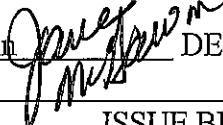
Meeting Date:	February 8, 2005	Meeting Date:	February 15, 2005	Meeting Date:	February 22, 2005
Meeting Type/Time:	Business/6:30 p.m.	Meeting Type/Time:	Workshop/6:30 p.m.	Meeting Type/Time:	Business/6:30 p.m.
Location:	City Hall	Location:	City Hall	Location:	City Hall
Greeter:	Gus	Greeter:		Greeter:	Gus Duenas
Materials Due @ 5:	January 25, 2005	Materials Due @ 5:	February 1, 2005	Materials Due @ 5:	February 8, 2005
Bid Opening Deadline:	January 24, 2005	Bid Opening Deadline:	January 31, 2005	Bid Opening Deadline:	February 7, 2005
Scan Deadline @ noon:	January 21, 2005	Scan Deadline @ noon:	January 28, 2005	Scan Deadline @ noon:	February 4, 2005
Req to Sched Due @5:	January 7, 2005	Req to Sched Due @5:	January 14, 2005	Req to Sched Due @5:	January 21, 2005
Televised:	Yes	Televised:	No	Televised:	Yes
Attorney Attends:	Yes	Attorney Attends:	No	Attorney Attends:	No
Study Session				Study Session	
Executive Session - Litigation - Loreen		Joint Meeting with Transportation Financing Strategies Task Force - Gus Joint Meeting with Planning Commission Comprehensive Plan Update Discussion - Barbara			
Consent Agenda				Consent Agenda	
Business Meeting				Business Meeting	

Meeting Date:	March 8, 2005	Meeting Date:	March 15, 2005	Meeting Date:	March 22, 2005
Meeting Type/Time:	Business/6:30 p.m.	Meeting Type/Time:	Workshop/6:30 p.m.	Meeting Type/Time:	Business/6:30
Location:	City Hall	Location:	City Hall	Location:	City Hall
Greeter:	Paul deBruyn	Greeter:		Greeter:	Al Orr
Materials Due @ 5:	February 22, 2005	Materials Due @ 5:	March 1, 2005	Materials Due @ 5:	March 8, 2005
Bid Opening Deadline:	February 21, 2005	Bid Opening Deadline:	February 28, 2005	Bid Opening Deadline:	March 7, 2005
Scan Deadline @ noon:	February 18, 2005	Scan Deadline @ noon:	February 25, 2005	Scan Deadline @ noon:	March 4, 2005
Req to Sched Due @5:	February 8, 2005	Req to Sched Due @5:	February 15, 2005	Req to Sched Due @5:	February 22, 2005
Televised:	Yes	Televised:	No	Televised:	Yes
Attorney Attends:	Yes	Attorney Attends:	No	Attorney Attends:	No
				Study Session	
Consent Agenda				Consent Agenda	
Business Meeting					
				Business Meeting	

AGENDA ITEM # 3.2 c.
FOR AGENDA OF 12/14/04

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Receive and File: Canvass of Votes for Mayor, Two City Councilor Positions, and the Bull Mountain Annexation Measure from the November 2, 2004 Election

PREPARED BY: Jane McGarvin  DEPT HEAD OK LM CITY MGR OK LM

ISSUE BEFORE THE COUNCIL

Receive and File: Official Election Results for the November 2, 2004, election

STAFF RECOMMENDATION

Receive and File the Summary Report and Official Election Statements prepared by Washington County Elections Division regarding the Mayor, Two City Councilor positions, and the Bull Mountain Annexation Measure from the November 2, 2004, ballot.

INFORMATION SUMMARY

Each time the City Recorder canvasses the votes as required by the Washington County Elections Division, a copy is filed with the City Council at a Council meeting in order to officially "receive and file" the information.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Copy of notice advising the Deputy City Recorder canvassed the votes and concurred with the results.
Summary Report for the November 2, 2004, General Election
Official Election Statement for Tigard City Mayor
Official Election Statement for Tigard City Council
Official Election Statement for Bull Mountain Annexation

FISCAL NOTES

The City is not charged for expenses associated with a general election (ORS 254.046).



WASHINGTON COUNTY OREGON

November 22, 2004

Administrative Office
City of Tigard
13125 SW Hall Blvd
Tigard OR 97223

RECEIVED C.O.T.

NOV 24 2004

Administration

Enclosed you will find a copy of the Abstract of Votes for City of Tigard relating to the election held on November 2, 2004. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
3700 SW Murray Blvd. Suite 101
Beaverton OR 97005

Thank you very much.

Sincerely,

Mickie Kawai
Elections Manager

MK/jd



I have canvassed the votes for City of Tigard, relating to the election on November 2, 2004. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

11/30/04
DATE

SUMMARY REPORT

WASHINGTON COUNTY, OREGON
GENERAL ELECTION
NOVEMBER 2, 2004

OFFICIAL RESULTS

RUN DATE: 11/22/04 02:00 PM

REPORT-EL45 PAGE 006

VOTES PERCENT

VOTES PERCENT

RIVER GROVE CITY COUNCIL

VOTE FOR 3

LORI DEERING-MOHR	18	36.00
CHRISTINE A. FISHER	18	36.00
LARRY BARRETT	13	26.00
WRITE-IN	1	2.00
Total	50	
Over Votes	0	
Under Votes	16	

TUALATIN CITY COUNCIL POS 2

VOTE FOR 1

MICHAEL GILLESPIE	4,298	56.77
FRANK BUBENIK	3,229	42.65
WRITE-IN	44	.58
Total	7,571	
Over Votes	24	
Under Votes	2,779	

SHERWOOD CITY MAYOR

VOTE FOR 1

DAVID HEIRONIMUS	2,612	41.03
KEITH S. MAYS	3,720	58.44
WRITE-IN	34	.53
Total	6,366	
Over Votes	16	
Under Votes	1,216	

TUALATIN CITY COUNCIL POS 4

VOTE FOR 1

ED TRUAX	4,517	58.44
ANGELA WRAHTZ	3,174	41.07
WRITE-IN	38	.49
Total	7,729	
Over Votes	10	
Under Votes	2,635	

SHERWOOD CITY COUNCIL

VOTE FOR 3

ADRIAN EMERY	1,690	11.56
J. PATRICK LUCAS	732	5.01
DAVID C. LUMAN	2,286	15.63
DANIEL KING	2,311	15.80
KURT KRISTENSEN	1,408	9.63
LINDA A. HENDERSON	2,722	18.61
PATRICK ALLEN	1,964	13.43
LEE D. WEISLOGEL	1,420	9.71
WRITE-IN	91	.62
Total	14,624	
Over Votes	498	
Under Votes	7,672	

TUALATIN CITY COUNCIL POS 6

VOTE FOR 1

BOB BORYSKA	4,058	54.03
WADE BROOKSBY	3,415	45.47
WRITE-IN	37	.49
Total	7,510	
Over Votes	9	
Under Votes	2,855	

WILSONVILLE CITY MAYOR

VOTE FOR 1

CHARLOTTE LEHAN	78	97.50
WRITE-IN	2	2.50
Total	80	
Over Votes	0	
Under Votes	51	

TIGARD CITY MAYOR (UNEXPIRED)

VOTE FOR 1

CRAIG E. DIRKSEN	13,439	97.41
WRITE-IN	357	2.59
Total	13,796	
Over Votes	4	
Under Votes	8,917	

WILSONVILLE CITY COUNCIL

VOTE FOR 2

TIM KNAPP	55	44.72
BENNY HOLT	29	23.58
SCOTT M. HANNA	36	29.27
WRITE-IN	3	2.44
Total	123	
Over Votes	0	
Under Votes	139	

TIGARD CITY COUNCIL

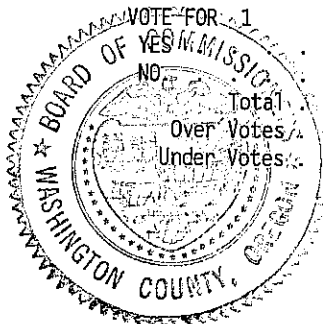
VOTE FOR 2

SALLY HARDING	6,336	23.38
JOSHUA CHANEY	2,614	9.65
TOM WOODRUFF	7,691	28.38
ALICE ELLIS GAUT	5,840	21.55
GRETCHEN BUEHNER	4,440	16.38
WRITE-IN	181	.67
Total	27,102	
Over Votes	230	
Under Votes	18,102	

31 AMENDS CONSTITUTION: POSTPONEMENT

VOTE FOR 1

YES	147,741	68.70
NO	67,311	31.30
Total	215,052	
Over Votes	132	
Under Votes	17,777	



TIGARD CITY MAYOR (UNEXPIRED)

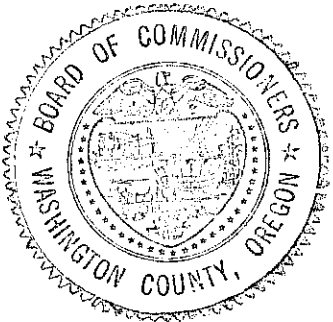
VOTE FOR 1

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	R . I	I			
	A R T	O V U V			
	I K E	V O N O			
	G S -	E T D T			
	E I	R E E E			
	N N	S R S			
(CONTINUED FROM PREVIOUS PAGE)	(NON)	(NON)			
0109 409 SUMMERLAKE-WEST	1181	24	2	800	
0116 416 SUMMERLAKE-EAST	840	19	0	611	
0154 454 BULL MT SPLIT	40	2	0	32	
0155 455 S TIGARD/PACIFIC HWY	0	0	0	0	
CANDIDATE TOTALS	13439	357	4	8917	
CANDIDATE PERCENT	97.41	2.58			

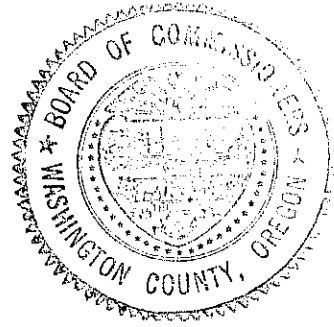
TIGARD CITY COUNCIL

VOTE FOR 2

			S H		T W		G B		W	
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			L R		O H		D		A E G	
			L D		S A		R		L L A	
			Y I		H N		U		I L U	
			N		U E		F		C I T	
			G		A Y		F		E S	
			(NON)		(NON)		(NON)		(NON)	
			-----		-----		-----		-----	
0100	400	WASHINGTON SQUARE	636	298	693	615	390	16	14	1922
0102	402	TIGARD/WALNUT ST	250	78	305	251	155	2	6	749
0103	403	TIGARD/GAARDE ST	933	366	1244	795	769	36	32	2785
0104	404	FOWLER SCHOOL	664	252	753	621	386	14	28	1786
0105	405	TWALITY SCHOOL	942	390	1159	926	655	24	36	2676
0106	406	TIGARD CITY HALL	855	376	926	678	509	27	34	2199
0108	408	SUMMERFIELD	1118	447	1472	1164	850	28	36	2961
0109	409	SUMMERLAKE-WEST	517	236	627	427	433	20	32	1722
0116	416	SUMMERLAKE-EAST	400	160	486	343	276	14	12	1249
0154	454	BULL MT SPLIT	21	11	26	20	17	0	0	53
0155	455	S TIGARD/PACIFIC HWY	0	0	0	0	0	0	0	0
CANDIDATE TOTALS			6336	2614	7691	5840	4440	181	230	18102
CANDIDATE PERCENT			23.37	9.64	28.37	21.54	16.38	.66		



VOTES PERCENT			VOTES PERCENT		
34-99 SHERWOOD CITY ANNEX 11.83 ACRES			3-136 WILSONVILLE CITY CHARTER QUESTION		
VOTE FOR 1			VOTE FOR 1		
YES	4,618	67.51	YES	84	78.50
NO.	2,222	32.49	NO.	23	21.50
Total	6,840		Total	107	
Over Votes	8		Over Votes	0	
Under Votes	750		Under Votes	24	
34-100 SHERWOOD CITY ANNEXATION QUESTION			34-82 BANKS FIRE DIST OPERATIONAL LEVY		
VOTE FOR 1			VOTE FOR 1		
YES	1,779	25.23	YES	1,545	53.61
NO.	5,273	74.77	NO.	1,337	46.39
Total	7,052		Total	2,882	
Over Votes	5		Over Votes	3	
Under Votes	541		Under Votes	202	
34-98 TIGARD CITY (AREA) ANNEX BULL MT.			34-86 GASTON RFPD OPERATIONS TAX		
VOTE FOR 1			VOTE FOR 1		
YES	13,294	64.71	YES	772	53.46
NO.	7,249	35.29	NO.	672	46.54
Total	20,543		Total	1,444	
Over Votes	27		Over Votes	1	
Under Votes	2,147		Under Votes	72	
34-98 TIGARD CITY ANNEX BULL MT. (AREA)			34-85 WASHINGTON COUNTY FIRE DIST 2 LEVY		
VOTE FOR 1			VOTE FOR 1		
YES	539	11.38	YES	3,811	45.80
NO.	4,199	88.62	NO.	4,510	54.20
Total	4,738		Total	8,321	
Over Votes	5		Over Votes	6	
Under Votes	162		Under Votes	650	
34-92 TUALATIN CITY LIBRARY & PARK BONDS					
VOTE FOR 1					
YES	5,063	52.67			
NO.	4,549	47.33			
Total	9,612				
Over Votes	12				
Under Votes	750				
34-93 TUALATIN CITY LIBRARY & PARK TAX					
VOTE FOR 1					
YES	4,198	44.02			
NO.	5,339	55.98			
Total	9,537				
Over Votes	10				
Under Votes	827				



34-99 SHERWOOD CITY ANNEX 11.83 ACRES

VOTE FOR 1

	Y E S (NON)	O V O (NON)	U V N O D T E E R S	
0124 424 NW SHERWOOD CITY	2732	1277	4	463
0135 435 SE SHERWOOD CITY	1886	945	4	287
CANDIDATE TOTALS	4618	2222	8	750
CANDIDATE PERCENT	67.51	32.48		

34-100 SHERWOOD CITY ANNEXATION QUESTION

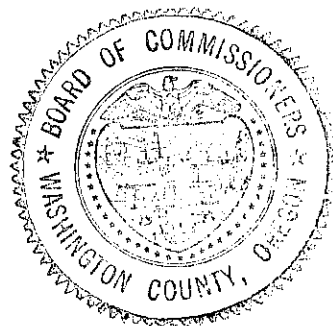
VOTE FOR 1

	Y E S (NON)	O V O (NON)	U V N O D T E E R S	
0124 424 NW SHERWOOD CITY	1067	3069	2	338
0135 435 SE SHERWOOD CITY	712	2204	3	203
CANDIDATE TOTALS	1779	5273	5	541
CANDIDATE PERCENT	25.22	74.77		

34-98 TIGARD CITY (AREA) ANNEX BULL MT.

VOTE FOR 1

	Y E S (NON)	O V O (NON)	U V N O D T E E R S	
0100 400 WASHINGTON SQUARE	1252	767	2	271
0102 402 TIGARD/WALNUT ST	528	313	0	57
0103 403 TIGARD/GARDE ST	2000	1237	2	241
0104 404 FOWLER SCHOOL	1437	631	3	181
0105 405 TWALITY SCHOOL	2109	978	8	309
0106 406 TIGARD CITY HALL	1563	940	2	297
0108 408 SUMMERFIELD	2362	1281	3	392
0109 409 SUMMERLAKE-WEST	1125	659	6	217
0116 416 SUMMERLAKE-EAST	882	409	1	178
0154 454 BULL MT SPLIT	36	34	0	4
0155 455 S TIGARD/PACIFIC HWY	0	0	0	0
CANDIDATE TOTALS	13294	7249	27	2147
CANDIDATE PERCENT	64.71	35.28		



CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Approve the purchase of a Chevrolet Police Pursuit Tahoe Sport Utility Vehicle.

PREPARED BY: Dennis Koellermeier DEPT HEAD OK:  CITY MGR OK: _____

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the purchase of a Chevrolet Police Pursuit Tahoe Sport Utility Vehicle (SUV) for use by the City's Police Department?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board approve the purchase of a Chevrolet Police Pursuit Tahoe SUV utilizing an existing State of Oregon Contract.

INFORMATION SUMMARY

The Police Department currently has the need to replace one vehicle, a 1999 Ford Crown Victoria, with a vehicle with larger, more versatile sports utility vehicle. This replacement is in line with the City's vehicle replacement schedule and the vehicles being replaced will either be rotated within the police fleet or sold if the age and condition of the vehicle so warrant it.

Staff has determined that the best means to procure this SUV would be through the utilization of State of Oregon contract #4154, which the City is eligible to use through it's membership in the Oregon Cooperative Purchasing Program. Utilizing this contract will save the City staff time and cost in preparing a solicitation for the vehicle.

OTHER ALTERNATIVES CONSIDERED

1. Do not replace the vehicle at this time.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

1. State of Oregon contract #4154 – Pages 3-6 of a 42 page contract.

FISCAL NOTES

The cost of the SUV is \$26,510. Currently the City has \$28,000 budgeted for the SUV within the Police Department's budget.

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION

PRICE AGREEMENT SUMMARY

PAGE: 1

COMMODITY CODE: 99894

PA NUMBER: 4154

BUYER NAME: J. WEBER (503) 373-1197

ITEM: CHEVROLET TAHOE, POLICE PURSUIT, 4 DOOR, 4X2, E85
FLEX FUEL SUV IN THE ONLY VEHICLE THAT CAN BE
ORDERED FROM THIS PRICE AGREEMENT. PRICE AGREEMENT
IS VALID FOR THE 2005 MODEL YEAR ONLY

AGENCY: STATE AGENCIES AND AUTHORIZED ORCPP MEMBERS

CONTRACTOR: MURRAY CHEVROLET

1999 E POWELL BLVD

PO BOX 750

GRESHAM OR 97080

PH#:(503) 661-2222 FAX:50366993270000 CONTACT:JACK WHITE

BRAND/TRADE NAME: CHEVROLET POLICE PURSUIT 4X2 TAHOE SUV

PRICE: \$26,192.00

TERMS: NET 30

FOB: FOB DESTINATION

CONTRACT PERIOD: SEP 7 2004 THROUGH JUL 30 2005

DAYS REQUIRED FOR DELIVERY: 120 DAYS AFTER RECEIPT OF PURCHASE ORDER

MINIMUM ORDER: ONE UNIT

TRANSPORTATION CHARGES: SEE D.2.3 THROUGH D.2.3A.1.

OTHER CONDITIONS:

FOR CONTRACTOR PROVIDED UNDERCOATING AND EXTRA KEY COSTS, SEE D.14 AND
D.15 OF SUMMARY

THIS CONTRACT COVERS ONLY THOSE ITEMS LISTED.

DATE OF ISSUANCE: 09/07/2004

BID NO.: 10200036 04

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY PAGE: 2

COMMODITY CODE: 99894

PA NUMBER: 4154

ITEM - 00001 UNIT - EA COMMODITY - 99894 PRICE - \$26,192.0000
Year: 2005 Make: Chevy Utility Vehicles

Model: Tahoe Police Vehicle Style: C15706 4dr

***** STANDARD EQUIPMENT *****

ALL STANDARDS ARE 2005 UNLESS OTHERWISE NOTED.

<<< MECHANICAL >>>

Engine, Vortec 5300 V8 SFI Flex-Fuel capable of running on unleaded or up to 85% ethanol (295 HP ~219.7 kW @ 5200 rpm, 335 lb.-ft. ~452.3 N-m @ 4000 rpm)
Transmission, 4-speed automatic, electronically controlled with overdrive
Lever, transmission selector with tow/haul mode, delete
Air cleaner, high-capacity
Prop shaft, high-speed balanced, police-rated
Rear axle, 3.73 ratio
Rear wheel drive
Battery, single 770 CCA, provides a 770 CCA HD cranking battery, includes rundown protection and retained accessory power
Alternator, 160 amps
Cooling, external transmission oil cooler, auxiliary, heavy-duty air-to-oil
Cooling, heavy-duty, high-capacity radiator and electric fans
Cooling, engine oil, auxiliary, heavy-duty oil-to-coolant
Skid Plate Package, includes only aluminum front underbody shield starting behind front bumper and running to 1st cross-member, protecting front underbody and oil pan
Recovery hooks, front, frame-mounted
Recovery hook cover, delete
GVWR, 6400 lbs. (2903 kg)
Suspension, heavy-duty, police-rated, front, independent torsion bar, and stabilizer bar and rear, multi-link with coil springs
Tires, H-rated, P255/70R16-109H
Tire, spare, full-size, located at rear underbody of vehicle, Blackwall Tire carrier, lockable, outside spare, winch-type mounted under frame at rear
Wheels, heavy-duty, 5 with heavy-duty bolt-on center caps on road wheels only
Steering, power
Brakes, 4-wheel antilock, 4-wheel disc, hydroboost
Fuel capacity, approximate, 26 gallon (98 liters)
Key, single, 2-sided, random code

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY PAGE: 3

COMMODITY CODE: 99894

PA NUMBER: 4154

<<< EXTERIOR >>>

Identifier, Police Vehicle, utilized to identify a vehicle as a police/fire for marketing, order-build process and emission certification purposes.(Must be specified.)
Luggage rack, delete
Bumper, front, chrome
Bumper, rear, chrome step, includes pad
Air dam, Gray
Air dam extension, delete
Moldings, bodyside
Grille, painted (Upgradeable to (V22) Grille, chrome surround.)
Headlamps, dual halogen composite, includes flash-to-pass feature and automatic lamp control
Daytime running lamps, includes automatic exterior lamp control
Mirrors, outside rearview, foldaway, power adjustable, heated
Glass, Solar-Ray deep tinted (all windows except light tinted glass on windshield, driver and front passenger) (Substitutable to (ANJ) Glass, non-deep tinted)
Wipers, anti-lift driver and passenger, intermittent, front wet-arm with pulse washers
Door handles, Matte Black
Body, liftgate with liftglass, rear door system, includes rear-window wiper/washer
Ship Thru to Kerr Industries, required for post plant assembly and 2nd stage optional content. Dealer "invoice only" charge for transportation costs to move vehicle from plant to 2nd stage activity and return vehicle to plant.

<<< INTERIOR >>>

Seats, front Custom Cloth reclining buckets, includes adjustable head restraints, inboard armrests, 6-way power adjustable driver seat and rear storage pockets
Seats, 2nd row vinyl with front cloth, provides cloth front seats with power driver-side but retains standard vinyl trim on 2nd row seats.
Console delete, deletes the floor console that is included with bucket seats.
Floor covering, rubberized vinyl, Black
Steering column, Tilt-Wheel, adjustable, includes brake/transmission shift interlock
Steering wheel, steel sleeve, includes theft-deterrent locking feature
Driver Message Center, monitors vehicle systems including low fuel, transmission temperature, engine coolant, security, oil level, oil pressure and oil change

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY

PAGE: 4

COMMODITY CODE: 99894

PA NUMBER: 4154

Instrumentation, analog, includes "certified" speedometer with 140 mph scale in 1 mph increments, odometer with trip odometer, fuel level, voltmeter, engine temperature, oil pressure and tachometer
Tire pressure monitor (Includes sensor to spare tire. Spare tire sensor programmed.)
Warning tones, headlamps on, key-in-ignition, driver and right front passenger safety belt unfasten, turn signal on
Windows, power, includes driver express-down and lockout features
Door locks, power programmable, includes lockout protection
Keyless entry, remote, includes 2 transmitters, panic button and content theft alarm
Cruise control, electronic with set and resume speed, includes telltale in instrument panel cluster
Theft-deterrent system, PASSlock II
Air conditioning, tri-zone, manual, individual climate settings for driver, right front passenger and rear passengers, includes front and rear HVAC systems
Heater and defogger, includes front and side window defoggers, rear passenger heating ducts and heater, rear auxiliary
Defogger, rear-window, electric
Sound system, ETR AM/FM stereo includes seek-and-scan, digital clock (Upgradeable to (UB1) Sound system, ETR AM/FM stereo with CD and cassette player or (9R0) Sound system, AM/FM stereo with cassette.)
Sound system feature, 8-speakers
Radio suppression, braided brass straps attaching to various body locations
Power outlets, auxiliary, 2 on instrument panel, 1 in cargo area, 12-volt
Power supply 12 volt
Mirror, inside rearview, manual day/night
Console, overhead mini, includes map lights and rear seat HVAC controls
Headliner, cloth
Visors, padded, driver and passenger side with cloth trim, extenders, illuminated vanity mirrors and corner storage pockets on back of visors
Assist handles, front passenger and outboard 2nd row seats
Lighting, dome lamp, driver and passenger side door switch with delayed entry, cargo lamps, map lights in front and 2nd seat positions
Ground studs, auxiliary, 2 per vehicle, rear compartment

AGENDA ITEM # 3.3.b
FOR AGENDA OF December 14, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Approve the purchase of two Ford F-250 Pickup Trucks.

PREPARED BY: Dennis Koellermeier DEPT HEAD OK: [Signature] CITY MGR OK:

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the purchase of two Ford F-250 pickup trucks for use by the City's Public Works Department?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board approve the purchase of two Ford F-250 pickups utilizing an existing State of Oregon Contract.

INFORMATION SUMMARY

The Public Works Department currently has the need to replace two pickup trucks, one is a 1988 Chevrolet 1/2 Ton pickup truck assigned to the Parks Division, and the other is a 1988 Chevrolet 1 Ton pickup truck assigned to the Sanitary/Sewer Division. All replacements are in line with the City's vehicle replacement schedule. Vehicles that are being replaced will either be rotated within the fleet or sold if the age and condition of the vehicle so warrant it.

Staff has further determined that the best means to procure these pickups would be through the utilization of State of Oregon contract #1283, which the City is eligible to use through it's membership in the Oregon Cooperative Purchasing Program. Utilizing this contract will save the City staff time and cost in preparing a solicitation for the vehicles.

OTHER ALTERNATIVES CONSIDERED

1. Do not replace vehicles at this time.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

1. State of Oregon contract #1283 – Pages 3-5 of a 40 page contract.

FISCAL NOTES

The cost of each F-250 pickup is \$19,835 for a total purchase price of \$39,670. Currently the City has \$58,000 budgeted for the pickups within the Public Works Department's budget.

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY PAGE: 1
COMMODITY CODE: 07048 PA NUMBER: 1283
BUYER NAME: W. JACOBS (503) 378-4646 REVISION NUMBER: 004
EFFECTIVE DATE: 08/01/2004

ITEM: PICK-UP, 3/4 TON, EXTENDED CAB, LWB, 4X2, FORD
STARTING WITH 2002 MODEL. STATEWIDE PRICE
AGREEMENT PERIOD ONE YEAR WITH OPTIONS TO RENEW
FOR ADDITIONAL TERMS.

AGENCY: STATE AGENCIES AND AUTHORIZED ORCPP/DASC/WSPC

CONTRACTOR: GRESHAM FORD
1945 EAST POWELL
PO BOX 647
GRESHAM OR 97080

PH#:(503) 665-0101 FAX:50366504970000 CONTACT:EARL DAY

BRAND/TRADE NAME: FORD F250, X20

PRICE: \$16,871.00

TERMS: NET 30
FOB: FOB DESTINATION

CONTRACT PERIOD: DEC 13 2001 THROUGH JUL 30 2005

DAYS REQUIRED FOR DELIVERY: 90 CALENDAR DAYS FROM RECEIPT OF ORDER
MINIMUM ORDER: ONE UNIT
TRANSPORTATION CHARGES: NONE WITHIN 75 MILE RADIUS OF SALEM
OTHER CONDITIONS: DELIVERY OUTSIDE THE 75 MILE RADIUS OF
SALEM, 0.60 PER MILE

PRICE AGREEMENT HAS BEEN RENEWED FOR THE 2005 MODEL YEAR. PLEASE
VERIFY OPTION PRICING WITH DEALER PRIOR TO ISSUING A PURCHASE ORDER

FOR CONTRACTOR PROVIDED UNDERCOATING AND EXTRA KEY COSTS, SEE PAGE
17 OF THE SUMMARY UNDER SECTION 4.

THIS CONTRACT COVERS ONLY THOSE ITEMS LISTED.

DATE OF ISSUANCE: 12/13/2001
BID NO.: 10200041 01

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY

PAGE: 2

REVISION NUMBER: 004

COMMODITY CODE: 07048

PA NUMBER: 1283

ITEM - 00001 UNIT - EA COMMODITY - 07048 PRICE - \$16,871.0000
Year: 2005 Make: Ford Pickups

Model: Super Duty F-250 Style: X20 Supercab 158" XL

***** STANDARD EQUIPMENT *****

<<< MECHANICAL >>>

5.4L (330) SOHC EFI V8 engine
6-speed manual transmission w/OD
3.73 axle ratio
Rear wheel drive
72 amp/hr (750 CCA) maintenance-free battery
130 amp alternator
Trailer tow pkg-inc: 7/4 pin combination connector, trailer brake
wiring kit, trailer tow guide
158" WB
8' pickup box w/tie-down hooks & partitionable/stackable storage
(2) front tow hooks
8,800# GVWR (4400 front/6084 rear), springs (4400 front/6084 rear),
axles (4850 front/6084 rear)
Twin I-beam front axle
Front stabilizer bar
HD gas shock absorbers
(5) LT235/85R16E all-season SBR BSW tires
16" x 7.0" 8-hole styled steel wheels w/black center ornaments
Full-size spare tire w/argent steel wheel, lock, underframe crank
carrier
2-ton mechanical jack
Power steering
Power 4-wheel disc brakes w/4-wheel anti-lock braking system
38 gallon fuel tank

<<< EXTERIOR >>>

Front/rear license plate bracket
Argent painted front/rear step bumper
Black box-rail/tailgate top-edge moldings
Valance air dam
Argent grille
Sealed beam halogen headlamps
Pickup box/cargo light
Black door handles
Black fold-away manual mirrors
Solar tinted glass
Flip-out rear quarter windows
Interval wipers
Dual rear access doors

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY

PAGE: 3

COMMODITY CODE: 07048
REVISION NUMBER: 004
PA NUMBER: 1283

Removable locking tailgate w/black handle

<<< INTERIOR >>>

HD vinyl front bench seat w/outboard headrests
Vinyl fold-up rear bench seat
Black vinyl full-floor covering
Color-keyed scuff plates
Black vinyl steering wheel
Instrumentation-inc: tachometer, trip odometer, voltmeter, oil
pressure/coolant temp/fuel gauges, indicator lights
Belt Minder seatbelt-not-buckled chime & flashing warning light
Inside hood release
(4) air registers w/positive shut-off
Electronic AM/FM stereo radio-inc: digital clock, (2) speakers
Color-keyed instrument panel w/dual cupholders/glove box/ashtray/cigar
lighter
Rear door map pockets w/integrated "closed containers only" cupholders
Auxiliary power point
Color-keyed molded door trim panel-inc: hard armrest, grab handle,
reflector
11.5" day/night mirror
Color-keyed molded cloth headliner
Driver & passenger grab handles
Front passenger-side roof ride handle
Dual color-keyed cloth sunvisors-inc: driver-side map strap,
passenger-side mirror insert
Dual color-keyed coat hooks
Front door operated dome lamp w/time delay off
Grey fabric back panel cover

<<< SAFETY >>>

4-wheel anti-lock braking system
Driver & front passenger airbags w/passenger-side deactivation switch
Color-keyed safety belts w/front seat adjustable D-rings
Front/rear child seat tethers (on all seats)
Dual-note horn

CONTINUED NEXT PAGE

34-98 TIGARD CITY ANNEX BULL MT. (AREA)

VOTE FOR 1

	Y		O V V O E T	U V N O D T
	E	N	R E	E E
	S	O	S	R S
	(NON)	(NON)		
0097 397 BULL MOUNTAIN	231	2144	3	68
0110 410 BEEF BEND RD	112	1173	0	24
0114 414 BARROWS RD	196	882	2	70
CANDIDATE TOTALS	539	4199	5	162
CANDIDATE PERCENT	11.37	88.62		

34-92 TUALATIN CITY LIBRARY & PARK BONDS

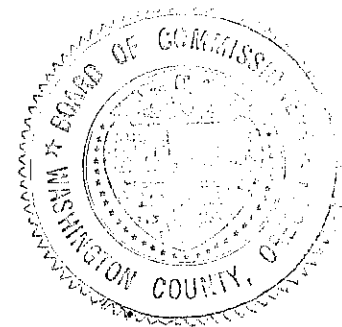
VOTE FOR 1

	Y		O V V O E T	U V N O D T
	E	N	R E	E E
	S	O	S	R S
	(NON)	(NON)		
0048 348 LAKE OSWEGO	64	27	0	22
0120 420 TUALATIN CITY	1462	1397	6	176
0123 423 TUALATIN-NORTH	1460	1020	2	264
0128 428 TUALATIN-WEST	555	535	0	123
0133 433 ED BYROM SCHOOL	954	968	3	114
0136 436 TUALATIN CITY	568	602	1	51
CANDIDATE TOTALS	5063	4549	12	750
CANDIDATE PERCENT	52.67	47.32		

34-93 TUALATIN CITY LIBRARY & PARK TAX

VOTE FOR 1

	Y		O V V O E T	U V N O D T
	E	N	R E	E E
	S	O	S	R S
	(NON)	(NON)		
0048 348 LAKE OSWEGO	49	39	0	25
0120 420 TUALATIN CITY	1255	1589	6	191
0123 423 TUALATIN-NORTH	1194	1266	2	284
0128 428 TUALATIN-WEST	444	637	0	132
0133 433 ED BYROM SCHOOL	793	1106	1	139
0136 436 TUALATIN CITY	463	702	1	56
CANDIDATE TOTALS	4198	5339	10	827
CANDIDATE PERCENT	44.01	55.98		



AGENDA ITEM # 3.3c.
FOR AGENDA OF December 14, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Approve the purchase of three Ford F-350 Pickup Trucks.

PREPARED BY :Dennis Koellermeier DEPT HEAD OK: [Signature] CITY MGR OK:

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the purchase of three Ford F-350 pickup trucks for use by the City's Public Works Department?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board approve the purchase of three Ford F-350 pickups utilizing an existing State of Oregon Contract.

INFORMATION SUMMARY

The Public Works Department currently has the need to replace three pickup trucks, a 1992 Chevrolet 1 Ton Utility Truck assigned to the Storm Water Division, a 1988 Chevrolet 1 Ton Utility Truck assigned to the Street Maintenance Division, and a 1989 Chevrolet 1 Ton Utility Truck also assigned to the Street Maintenance Division. All replacements are in line with the City's vehicle replacement schedule. Vehicles that are being replaced will either be rotated within the fleet or sold if the age and condition of the vehicle so warrant it.

Staff has further determined that the best means to procure these pickups would be through the utilization of State of Oregon contract #2372, which the City is eligible to use through it's membership in the Oregon Cooperative Purchasing Program. Utilizing this contract will save the City staff time and cost in preparing a solicitation for the vehicles.

OTHER ALTERNATIVES CONSIDERED

1. Do not replace vehicles at this time.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

1. State of Oregon contract #2372 – Pages 3-5 of a 40 page contract.

FISCAL NOTES

The cost of each F-350 pickup is \$20,397 for a total purchase price of \$61,191. Currently the City has \$118,000 budgeted for the pickups within the Public Works Department's budget.

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION

PRICE AGREEMENT SUMMARY

PAGE: 1

COMMODITY CODE: 07047

PA NUMBER: 2372

BUYER NAME: W. JACOBS (503) 378-4646

REVISION NUMBER: 003

EFFECTIVE DATE: 08/01/2004

ITEM: 1 TON CAB CHASSIS, STANDARD CAB, 11,000GVW, 60"
INCH CAB AXLE, DUAL REAR WHEEL, 4X4 STARTING WITH
2003 MODEL YEAR WITH OPTION TO RENEW FOR
ADDITIONAL TERMS

AGENCY: STATE AGENCIES AND AUTHORIZED ORCPP MEMBERS

CONTRACTOR: NORTHSIDE FORD TRUCK SALES INC

6221 N.E. COLUMBIA BLVD

PO BOX 55010

PORTLAND OR 97238 5010

PH#: (503) 282-7773 FAX: 503 282 60160000 CONTACT: SHARON TUCKER

BRAND/TRADE NAME: FORD F350, CAB CHASSIS, 11,000GVW, 4X4, DRW, STD. CAB

PRICE: \$17,485.00

TERMS: NET 30

FOB: FOB DESTINATION

CONTRACT PERIOD: DEC 2 2002 THROUGH JUL 30 2005

DAYS REQUIRED FOR DELIVERY: 120 DAYS AFTER RECEIPT OF PURCHASE ORDER

MINIMUM ORDER: ONE UNIT

TRANSPORTATION CHARGES: NONE WITHIN SALEM OR PORTLAND CITY LIMIT

OTHER CONDITIONS: DELIVERY CHARGES FOR ALL OTHER DESTINA-

TIONS WILL BE BY MUTUAL AGREEMENT BETWEEN

THE CONTRACTOR AND AUTHORIZED PURCHASER

AT TIME OF ORDER

PRICE AGREEMENT HAS BEEN RENEWED FOR THE 2005 MODEL YEAR. PLEASE
VERIFY OPTION PRICING WITH DEALER PRIOR TO ISSUING A PURCHASE ORDER

FOR CONTRACTOR PROVIDED UNDERCOATING AND EXTRA KEY COSTS, SEE SECTION
4 OF THE SUMMARY UNDER D.14 AND D.15

THIS CONTRACT COVERS ONLY THOSE ITEMS LISTED.

DATE OF ISSUANCE: 12/03/2002

BID NO.: 10200061 02

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY PAGE: 2

COMMODITY CODE: 07047 REVISION NUMBER: 003
PA NUMBER: 2372

ITEM - 00001 UNIT - EA COMMODITY - 07047 PRICE - \$17,485.0000
Year: 2005 Make: Ford Chassis-Cabs

Model: Super Duty F-350 DRW Style: F37 Reg Cab 141" WB
60" CA XL 4WD

***** STANDARD EQUIPMENT *****

ALL STANDARDS ARE 2005

<<< MECHANICAL >>>

6.8L (415) SOHC SEFI V10 engine
6-speed manual transmission w/OD
2-speed transfer case
3.73 rear axle ratio
Four wheel drive
Manual locking front hubs
78 amp/hr (750 CCA) maintenance-free battery
130-amp alternator
7-pin trailer tow wiring
141" WB
(2) front tow hooks
Mono-beam front axle
HD gas shock absorbers
Front/rear stabilizer bar
(6) LT235/85R16E all-season SBR BSW tires
(6) 16" x 6.0" steel wheels
Power steering
Power 4-wheel anti-lock disc brakes
40 gallon fuel tank-including: auxiliary fuel tap

<<< EXTERIOR >>>

Argent painted front bumper
Front/rear license plate bracket
Argent grille
Sealed beam halogen headlights
Roof clearance lights
Dual front grab handles
Manual telescoping trailer tow mirrors w/manual glass
Solar tinted glass
Fixed interval wipers
Black door handles

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY PAGE: 3

COMMODITY CODE: 07047 REVISION NUMBER: 003
PA NUMBER: 2372

<<< INTERIOR >>>

HD vinyl bench seat w/outboard seating position integral headrests
Black vinyl full floor covering
Color-coordinated scuff plates
Black vinyl steering wheel
Tilt steering column
Instrumentation-including: tachometer, voltmeter, trip odometer,
oil pressure/coolant temp/fuel gauges, indicator lights
Inside hood release
(4) air registers w/positive shut-off
Electronic AM/FM stereo-including: 2-speakers
Color-coordinated instrument panel w/dual cup holders
Cigar lighter
Auxiliary power point
Front passenger assist handle
Color-coordinated molded cloth headliner
11.5" day/night rearview mirror
Color-coordinated door trim panel-including: armrest, grab handle,
reflector
Color-coordinated cloth sun visors-including: LH retainer strap,
RH vanity mirror
Dual front color-coordinated coat hooks
Front door operated dome lamp w/time delay off
Gray fabric back panel cover

<<< SAFETY >>>

4-wheel anti-lock brakes
Driver/front passenger airbag supplemental restraint system
Color-coordinated safety belts w/adjustable D-rings
Child tethers on all seats
Dual-note electric horn

***** FACTORY OPTIONS *****

OPTION CODES	DESCRIPTION	Invoice
F37	Reg Cab 141" WB 60" CA XL 4WD	17485.00

<<< EMISSIONS >>>

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION APPROVING AN AMENDMENT TO CITY MANAGER WILLIAM A. MONAHAN'S EMPLOYMENT AGREEMENT WITH THE CITY OF TIGARD, CORRECTING HEALTH INSURANCE BENEFITS.

PREPARED BY: Sandy Zodrow

DEPT HEAD OK um

CITY MGR OK um

ISSUE BEFORE THE COUNCIL

During a recent labor arbitration session, it was discovered that the City Manager's employment agreement continues to reference the manager's entitlement to a health insurance benefit, Blue Cross Plan II, which has not been available to him or other employees. The issue before council is, should the employment agreement be modified to accurately reflect the manager's entitlement to health insurance programs which are available to the city. The manager has not been receiving Plan II coverage, so there is no impact on coverage.

STAFF RECOMMENDATION

Staff recommends that the City Council adopt a revision to Section 5 B of the Employment Agreement to correctly state the health insurance coverage available to the City Manager.

INFORMATION SUMMARY

The City Manager's Employment Agreement was approved by the City Council on July 27, 2004. Many provisions of the agreement were carried forward without change, including Section 5B, Health Insurance. Section 5B of the employment agreement continues to make reference to a health insurance benefit, Blue Cross Plan II, a plan which the City's health insurance provider no longer makes available to the City and its employees. Since August 1, 2001 the City Manager has not received Blue Cross Plan II coverage, nor has he expected to under the terms of the Agreement. At the time Plan II coverage was discontinued, the City Manager was advised of the change and accepted the coverage offered by the City.

The proposed resolution contains language which would take the place of existing Section 5B. The new language notes that the City Manager is entitled to receive "medical and dental plans equivalent to programs provided other regular management employees" without reference to any specific plans. This language reflects what has been the practice since August 1, 2001.

Adoption of the Resolution will cause the Resolution to be added as an amendment of the City Manager's Employment Agreement, once signed by the Mayor and the employee.

OTHER ALTERNATIVES CONSIDERED

Leave the existing language of the Agreement in place, recognizing that Plan II coverage is not available to the City, thus the employee cannot receive the benefit.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Proposed resolution with replacement language.

FISCAL NOTES

There is no cost to this action as the health insurance benefit received by the City Manager is not changed.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION APPROVING AN AMENDMENT TO CITY MANAGER WILLIAM A. MONAHAN'S EMPLOYMENT AGREEMENT WITH THE CITY OF TIGARD, CORRECTING HEALTH INSURANCE BENEFITS.

WHEREAS, City Manager William A. Monahan's Employment Agreement was adopted by the City Council on July 27, 2004,

WHEREAS, Section 5B, Health Insurance, contains outdated language referring to availability of Blue Cross Plan II health insurance coverage that is no longer available to the City,

WHEREAS, the City Manager has not had any expectation of receiving Blue Cross Plan II coverage since August 1, 2004,

WHEREAS, the City Manager voluntarily agrees to an amendment to his Employment Agreement to accurately reflect the health insurance benefit available to him, and

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that: it approves an amendment of City Manager William A. Monahan's Employment Agreement to eliminate the existing Section 5B which partially reads:

"B. Health Insurance: The CITY agrees to provide comprehensive annual physical for EMPLOYEE. The CITY agrees to continue to provide coverage and make full premium payment for EMPLOYEE and his dependants for comprehensive medical Blue Cross Plan II and dental plans equivalent to other programs provided other regular management employees."

And in its place insert:

"B. Health Insurance: The CITY agrees to provide comprehensive annual physical for EMPLOYEE. The CITY agrees to continue to provide coverage and make full premium payment for EMPLOYEE and his dependants for comprehensive medical and dental plans equivalent to other programs provided other regular management employees."

SECTION 1: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004

Mayor Craig Dirksen - City of Tigard

ATTEST:

City Recorder - City of Tigard

RESOLUTION NO. 04 -

Page 1

Consent Agenda 3.5 – Approve Budget Amendment for City Hall Cable and Telephone Line. Packet material for this agenda item will be available on December 10, 2004. For more information, contact City Recorder Cathy Wheatley at 503-639-4171, Ext. 2410; or e-mail: cathy@ci.tigard.or.us.

AGENDA ITEM # 3.6
FOR AGENDA OF December 14, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution approving Budget Amendment #5 to the FY 2004-05 Budget to increase appropriations in the Community Services Program to establish a Residential Services Agency Emergency Fund.

PREPARED BY: Michelle Wareing DEPT HEAD OK cl CITY MGR OK WJN

ISSUE BEFORE THE COUNCIL

Should the Council amend the FY 2004-05 Budget to increase appropriations in the Community Services Program in the amount of \$5,105 to establish a Residential Services Agency Emergency Fund?

STAFF RECOMMENDATION

Approve Budget Amendment #5

INFORMATION SUMMARY

At the August 17, 2004 City Council Workshop meeting, staff presented a proposal to establish a Residential Services Agency Emergency Fund. The purpose of the fund would be to address limited, one-time or emergency funding needs for agencies that provide food and housing services for Tigard residents in need. At the October 12, 2004 Council meeting, Council approved a policy to establish this emergency fund.

A budget amendment must be done to appropriate the funds to establish this emergency fund. The amendment will increase appropriations in the Community Services Program by \$5,105 and decrease the contingency in the General Fund by the same amount.

OTHER ALTERNATIVES CONSIDERED

Do not approve Budget Amendment #5.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management, Goal #3, Strategy 7 – Investigate tools to provide emergency housing.

ATTACHMENT LIST

Resolution including Attachment A

FISCAL NOTES

This budget amendment will increase appropriations in the Community Services Program in the amount of \$5,105 and will decrease Contingency by the same amount within the General Fund.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #5 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE COMMUNITY SERVICES PROGRAM TO ESTABLISH A RESIDENTIAL SERVICES AGENCY EMERGENCY FUND.

WHEREAS, the City of Tigard appropriates funds each year during the budget process to provide assistance to social service agencies that serve Tigard residents; and

WHEREAS, the City Council approved a policy on October 12, 2004 to establish a residential services agency emergency fund; and

WHEREAS, the Policy limits the emergency fund to no more than five percent of the total amount allocated for social service grants; and

WHEREAS, it is necessary to amend the FY 2004-05 Budget to increase appropriations to establish a residential services agency emergency fund.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2004-05 Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution to increase appropriations in the Community Services program in the amount of \$5,105 and to decrease Contingency by the same amount.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

Deputy City Recorder - City of Tigard

Attachment A
FY 2004-05
Budget Amendment # 5

FY 2004-05 Revised Budget	Budget Amendment # 5	Revised Revised Budget
---------------------------------	----------------------------	------------------------------

General Fund

Resources

Beginning Fund Balance	\$7,751,279		\$7,751,279
Property Taxes	9,398,805		9,398,805
Grants	237,485		237,485
Interagency Revenues	2,435,609		2,435,609
Development Fees & Charges	372,294		372,294
Utility Fees and Charges	0		0
Miscellaneous Fees and Charges	184,160		184,160
Fines and Forfeitures	592,840		592,840
Franchise Fees and Business Tax	2,944,042		2,944,042
Interest Earnings	172,500		172,500
Bond/Note Proceeds	0		0
Other Revenues	68,200		68,200
Transfers In from Other Funds	2,145,314		2,145,314
Total	\$26,302,528	\$0	\$26,302,528

Requirements

Community Service Program	\$10,774,597	\$5,105	\$10,779,702
Public Works Program	2,446,197		2,446,197
Development Services Program	2,554,196		2,554,196
Policy & Administration Program	344,706		344,706
General Government	0		0
Program Expenditures Total	\$16,119,696	\$5,105	\$16,124,801
Debt Service	\$0		\$0
Capital Improvements	\$0		\$0
Transfers to Other Funds	\$3,758,056		\$3,758,056
Contingency	\$536,992	(\$5,105)	\$531,887
Total Requirements	\$20,414,744	\$0	\$20,414,744
Ending Fund Balance	5,887,784		5,887,784
Grand Total	\$26,302,528	\$0	\$26,302,528

AGENDA ITEM # 4
FOR AGENDA OF Dec. 14, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Adopt a Resolution Recognizing Melvin Walker for Twenty-three Years of Service with the City of Tigard

PREPARED BY: Dennis Koellermeier DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Adopt a resolution recognizing Melvin Walker's retirement from twenty-three years of service with the City of Tigard.

STAFF RECOMMENDATION

Adopt the resolution.

INFORMATION SUMMARY

Melvin Walker has been employed with the City of Tigard since 1981. He started his employment with the City by mowing lawns as a task of the Street Crew, and was the only full-time City employee that was maintaining the City parks at that time. Mel has been a very popular employee and is known for his friendly and approachable personality.

The Public Works staff will miss him and wish him well in his retirement.

OTHER ALTERNATIVES CONSIDERED

n/a

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

n/a

ATTACHMENT LIST

Resolution

FISCAL NOTES

n/a

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION RECOGNIZING MELVIN WALKER FOR TWENTY-THREE YEARS OF SERVICE WITH THE CITY OF TIGARD.

WHEREAS, Mel Walker has diligently served the City of Tigard since 1981; and

WHEREAS, Mel Walker, at one time, was the only full-time employee in the Parks Division; and

WHEREAS, Mel Walker is well-recognized for his work in the parks by Tigard residents; and

WHEREAS, Mel Walker has always taken a lot of pride in his work; and

WHEREAS, in his tenure with the City, Mel has rendered valuable and distinguished service to the City of Tigard.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that: The Tigard City Council congratulates Mel Walker and expresses its appreciation for his devotion to serving the citizens of Tigard for the past twenty-three years.

SECTION 1. The City Council hereby thanks Mel Walker for his twenty-three years of service.

SECTION 2. This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

Deputy City Recorder - City of Tigard

RESOLUTION NO. 04 -

Page 1

AGENDA ITEM #: 5
FOR AGENDA OF: December 14, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Declaration of real property located at 14040 SW 117th Avenue as surplus and authorize staff to carry out the sale of said property.

PREPARED BY: Joe Barrett DEPT HEAD OK: CR CITY MGR OK: [Signature]

ISSUE BEFORE THE COUNCIL

Shall the City Council declare the property located at 14040 SW 117th Avenue as surplus property and authorize the City Manager or designee to offer the property for sale and negotiate the final price and terms of the sale? This property is classified as "standard developed."

STAFF RECOMMENDATION

Declare the property as surplus and authorize the City Manager or designee to offer the property for sale and negotiate the final price and terms of the sale with a minimum term of \$150,000.

INFORMATION SUMMARY

In order to complete the Gaarde Street Phase 2 project, the City purchased the property located at 14040 SW 117th Avenue. The existing house was in close proximity to the street being widened and the decision was made to purchase the property, use that portion that was necessary for the project, and sell whatever portion of the property remained. The project has been completed and the City has delineated the right-of-way needed from the said lot for Gaarde Street. The remainder of the lot, including the existing house, is no longer needed for the project and is available for surplus and sale.

In preparation of the property being declared surplus, staff had an appraisal of the property conducted by a local appraiser. In the final Summary Appraisal Report that is dated November 17, 2004, the property, both lot and house, was found to have an estimated market value of \$150,000. Staff recommends that is estimated market value be considered the minimum acceptable term of sale for the property.

Tigard Municipal Code (TMC) 3.44.015 requires a public hearing before Council for approval to proceed with the sale and what the minimum acceptable terms shall be. If approved by Council, staff will prepare an Invitation to Bid that meets all the requirement under TMC 3.44.015 and includes details on the minimum acceptable terms of the possible sale. If no acceptable bids are received, staff with then, in accordance with TMC 3.44.015 (H), bring the property back before the Council for direction on whether or not to keep the terms the same, alter the terms, or list the property with a real estate broker.

OTHER ALTERNATIVES CONSIDERED

Hold property for future sale or other use by City.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

1. Resolution.
2. Summary Appraisal Report dated November 17, 2004.

FISCAL NOTES

The Summary Appraisal Report indicates that the market value of the property is \$150,000. Proceeds from the sale will be deposited in the Traffic Impact Fee (TIF) Fund, which provided funding for the original purchase.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION DECLARING REAL PROPERTY LOCATED AT 14040 SW 117TH AVENUE AS SURPLUS, SETTING THE MINIMUM ACCEPTABLE TERMS OF ANY FUTURE SALE, AND AUTHORIZING STAFF TO CARRY OUT THE SALE OF SAID PROPERTY.

WHEREAS, the City, in order to complete the Gaarde Street Phase 2 project (Project), purchased the real property located at 14040 SW 117th Avenue (Property); and

WHEREAS, the Project has been completed and the City has delineated the right-of-way needed from the Property; and

WHEREAS, the remainder of the Property, including the existing house, is no longer needed for the Project and is available for surplus and sale; and

WHEREAS, the Property has been defined as "standard developed" property according to Tigard Municipal Code (TMC) Chapter 3.44.015; and

WHEREAS, an appraisal of the Property has determined its market value to be \$150,000; and

WHEREAS, TMC Chapter 3.44.015 describes the process to dispose of property such as this.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The sale of the Property has been determined to be in the public interest.

SECTION 2: The City Manager is authorized to complete the sale of the Property, including, but not limited, to purchase agreement and deed, with the minimum acceptable bid set at \$150,000.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This 14th day of December 2004.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Summary Appraisal Report

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 0003653T

SUBJECT	Property Address 14040 SW 117TH AVENUE		City TIGARD		State OR		Zip Code 97224	
	Legal Description PLEASE SEE ATTACHED PLAT MAP		County WASHINGTON					
	Assessor's Parcel No. R0491202		Tax Year 03-04		R.E. Taxes \$ 0.00		Special Assessments \$ 0.00	
	Borrower CITY OF TIGARD		Current Owner CITY OF TIGARD		Occupant: <input type="checkbox"/> Owner <input type="checkbox"/> Tenant <input checked="" type="checkbox"/> Vacant			
NEIGHBORHOOD	<input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold		Project Type <input type="checkbox"/> PUD <input type="checkbox"/> Condominium (HUD/VA only)		HOA \$ NONE		/Mo.	
	Neighborhood or Project Name SW TIGARD		Map Reference TB 655 C5		Census Tract 0319.04			
	Sale Price \$ NONE		Date of Sale NONE		Description and \$ amount of loan charges/concessions to be paid by seller N/A			
	Lender/Client CITY OF TIGARD		Address 13125 SW HALL BOULEVARD, TIGARD, OR 97223					
	Appraiser DAN T. GILBERT		Address 7110 S.W. FIR LOOP, SUITE 200, TIGARD, OR 97223					
	Location <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural		Predominant occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Vacant (0-5%) <input type="checkbox"/> Vac. (over 5%)		Single family housing PRICE \$ (000) AGE (yrs) Low NEW		Present land use %	
	Built up <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%				One family 90		<input type="checkbox"/> Not likely <input type="checkbox"/> Likely	
	Growth rate <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow				2-4 family 2		<input checked="" type="checkbox"/> In process	
	Property values <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining				Multi-family 2		To: SINGLE FAMILY	
	Demand/supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In balance				Commercial 1		RESIDENTIAL	
Marketing time <input type="checkbox"/> Under 3 mos. <input checked="" type="checkbox"/> 3-6 mos. <input type="checkbox"/> Over 6 mos.				Undeveloped 5				
<p>Note: Race and the racial composition of the neighborhood are not appraisal factors.</p> <p>Neighborhood boundaries and characteristics: THE SUBJECT NEIGHBORHOOD IS BOUND ON THE NORTH BY WALNUT STREET, EAST BY 99W, SOUTH BY BULL MTN ROAD AND TO THE WEST BY CITY LIMITS.</p> <p>Factors that affect the marketability of the properties in the neighborhood (proximity to employment and amenities, employment stability, appeal to market, etc.):</p> <p>THE SUBJECT IS IN AN ESTABLISHED AREA AND HOMES IN THIS AREA ARE GENERALLY OF GOOD TO VERY GOOD QUALITY CONSTRUCTION AND SHOW GOOD MAINTENANCE LEVELS. THE SUBJECT HAS GOOD COMPATIBILITY WITH THE AREA AND HAS GOOD OVERALL MARKETABILITY. ACCESS TO SCHOOLS, SHOPPING, FREEWAYS AND EMPLOYMENT IS AVERAGE FOR THIS TYPE OF AREA. POLICE AND FIRE PROTECTION IS AVERAGE FOR THIS AREA.</p> <p>Market conditions in the subject neighborhood (including support for the above conclusions related to the trend of property values, demand/supply, and marketing time -- such as data on competitive properties for sale in the neighborhood, description of the prevalence of sales and financing concessions, etc.):</p> <p>HOME VALUES IN THIS AREA ARE RISING GRADUALLY OVER TIME AND SUPPLY AND DEMAND APPEAR TO BE IN BALANCE. MARKETING TIME IS ESTIMATED TO BE 3-6 MONTHS. FHA, VA AND CONVENTIONAL FINANCING ARE ALL COMMON IN THIS MARKET AND PRIVATE CONTRACTS ARE TYPICALLY AT MARKET RATES. GENERAL MARKET CONDITIONS IN THIS AREA ARE JUDGED AVERAGE TO GOOD.</p>								
PUD	Project Information for PUDs (if applicable) -- Is the developer/builder in control of the Home Owners' Association (HOA)? <input type="checkbox"/> Yes <input type="checkbox"/> No							
	Approximate total number of units in the subject project N/A				Approximate total number of units for sale in the subject project N/A			
SITE	Describe common elements and recreational facilities: N/A							
	Dimensions PLEASE SEE ATTACHED PLAT MAP				Topography TYPICALLY LEVEL			
	Site area 9,147 SF				Size AVERAGE			
	Specific zoning classification and description R4.5 - SFR - 7,500 SF MINIMUM LOT SIZE				Shape IRREGULAR			
	Zoning compliance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal nonconforming (Grandfathered use) <input type="checkbox"/> Illegal <input type="checkbox"/> No zoning				Drainage APPEARS ADEQUATE			
	Highest & best use as improved: <input checked="" type="checkbox"/> Present use <input type="checkbox"/> Other use (explain)				View TYPICAL NEIGHBORHOOD			
	Utilities Public Other				Landscaping AVERAGE FOR AREA			
	Electricity <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Sanitary sewer <input checked="" type="checkbox"/> Storm sewer <input checked="" type="checkbox"/>				Driveway Surface CONCRETE			
	Off-site Improvements Type Public Private				Apparent easements NONE ADVERSE NOTED			
	Street ASPHALT <input checked="" type="checkbox"/> Curb/gutter CONCRETE <input checked="" type="checkbox"/> Sidewalk CONCRETE <input checked="" type="checkbox"/> Street lights YES <input checked="" type="checkbox"/> Alley NONE <input type="checkbox"/>				FEMA Special Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Comments (apparent adverse easements, encroachments, special assessments, slide areas, illegal or legal nonconforming zoning use, etc.): THERE ARE NO APPARENT ADVERSE EASEMENTS, ENCROACHMENTS, SPECIAL ASSESSMENTS, ETC., WHICH HAVE A NEGATIVE IMPACT ON THE VALUE OR MARKETABILITY OF THE SUBJECT PROPERTY.								
DESCRIPTION OF IMPROVEMENTS	GENERAL DESCRIPTION		EXTERIOR DESCRIPTION		FOUNDATION		BASEMENT	
	No. of Units 1		Foundation CONCRETE		Slab NO		Area Sq. Ft. NONE	
	No. of Stories 1		Exterior Walls WOOD		Crawl Space YES		% Finished N/A	
	Type (Det./Att.) DETACHED		Roof Surface COMP SHINGL		Basement NO		Ceiling N/A	
	Design (Style) RANCH		Gutters & Dwnspnts. METAL		Sump Pump NONE NOTED		Walls N/A	
	Existing/Proposed EXISTING		Window Type ALUMINUM		Dampness NONE NOTED		Floor N/A	
	Age (Yrs.) 49		Storm/Screen DIW/ALUM		Settlement NONE NOTED		Outside Entry N/A	
	Effective Age (Yrs.) 25		Manufactured House NO		Infestation NONE NOTED		Unknown <input checked="" type="checkbox"/>	
	ROOMS		Foyer		Living		Dining	
	Basement		Kitchen		Den		Family Rm.	
Level 1		X		1		1		
Level 2								
Finished area above grade contains:		7 Rooms:		3 Bedroom(s):		1.1 Bath(s):		
Interior		Materials/Condition		HEATING		KITCHEN EQUIP.		
Floors CRPT/VIN/FAIR		Type F.A.		Range/Oven <input checked="" type="checkbox"/>		Refrigerator <input type="checkbox"/>		
Walls DRYWALL/FAIR		Fuel GAS		Disposal <input type="checkbox"/>		Stairs <input type="checkbox"/>		
Trim/Finish WOOD/FAIR		Condition AVG		Dishwasher <input checked="" type="checkbox"/>		Drop Stair <input type="checkbox"/>		
Bath Floor VINYL/FAIR		COOLING		Fan/Hood <input type="checkbox"/>		Scuttle <input checked="" type="checkbox"/>		
Bath Wainscot FIBERGLASS/FAIR		Central NONE		Microwave <input type="checkbox"/>		Floor <input type="checkbox"/>		
Doors FLUSH HLW COR/F		Other NONE		Washer/Dryer <input type="checkbox"/>		Heated <input type="checkbox"/>		
		Condition N/A				Finished <input type="checkbox"/>		
Additional features (special energy efficient items, etc.):		PLEASE SEE ATTACHED ADDENDUM.						
Condition of the improvements, depreciation (physical, functional, and external), repairs needed, quality of construction, remodeling/additions, etc.:		THE						
SUBJECT IS OF AVERAGE QUALITY CONSTRUCTION AND IS FAIR CONDITION. PLEASE SEE ATTACHED FOR DETAILS REGARDING THE SUBJECTS CONDITION AND NEEDED REPAIRS.								
Adverse environmental conditions (such as, but not limited to, hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property.:		NONE APPARENT.						

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 0003653T

ESTIMATED SITE VALUE

ESTIMATED REPRODUCTION COST-NEW-OF IMPROVEMENTS:

Dwelling 1,311 Sq. Ft. @ \$ 79.25 = \$ 103,897

Sq. Ft. @ \$ =

FIREPLACE,BUILT-INS,PORCH,PATIO = 9,905

Garage/Carport 380 Sq. Ft. @ \$ 21.58 = 8,200

Total Estimated Cost New = \$ 122,002

Less Physical Functional External

Depreciation 43,567 3,000 = \$ 46,567

Depreciated Value of Improvements = \$ 75,435

"As-Is" Value of Site Improvements = \$ 10,000

INDICATED VALUE BY COST APPROACH = \$ 145,435

Comments on Cost Approach (such as, source of cost estimate, site value, square foot calculation and for HUD, VA and FmHA, the estimated remaining economic life of the property):

THERE ARE NO FUNCTIONAL OR EXTERNAL INADEQUACIES AFFECTING THE SUBJECT'S VALUE. REPLACEMENT COST HAS BEEN USED RATHER THAN REPRODUCTION COST AND REPLACEMENT COST FACTORS ARE BASED ON THE MARSHALL & SWIFT RESIDENTIAL COST HANDBOOK AND LOCAL CONTRACTORS.

ITEM

SUBJECT

COMPARABLE NO. 1

COMPARABLE NO. 2

COMPARABLE NO. 3

14040 SW 117TH AVENUE

10540 SW WALNUT STREET

11320 SW GAARDE STREET

11720 SW GAARDE STREET

Address TIGARD, OREGON

TIGARD, OREGON

TIGARD, OREGON

TIGARD, OREGON

Proximity to Subject

0.98 miles

0.18 miles

0.03 miles

Sales Price \$ NONE

\$ 149,664

\$ 153,000

\$ 161,500

Price/Gross Living Area \$ 139.09

\$ 112.01

\$ 155.14

Data and/or METROSCAN

METROSCAN/RMLS

METROSCAN/RMLS

METROSCAN/RMLS

Verification Source INSPECTION

MLS: 4033852

MLS: 3069782

MLS: 3076719

VALUE ADJUSTMENTS DESCRIPTION DESCRIPTION +(-)\$ Adjust

DESCRIPTION +(-)\$ Adjust

DESCRIPTION +(-)\$ Adjust

Sales or Financing CASH

CONVENTIONAL

CONVENTIONAL

Concessions NONE NOTED

NONE NOTED

NONE NOTED

Date of Sale/Time 05/04

01/04

01/04

Location SUBURBAN

SUBURBAN

SUBURBAN

Leasehold/Fee Simple FEE SIMPLE

FEE SIMPLE

FEE SIMPLE

Site 9,147 SF

16,988 SF

10,454 SF

13,068 SF

View TRAFFIC

TRAFFIC

TRAFFIC

TRAFFIC

Design and Appeal RANCH/GOOD

RANCH/GOOD

RANCH/GOOD

RANCH/GOOD

Quality of Construction GOOD

GOOD

GOOD

GOOD

Age 49 YEARS

40 YEARS

50 YEARS

46 YEARS

Condition FAIR

FAIR

FAIR

AVERAGE

Above Grade Total Bdrms Baths

Total Bdrms Baths

Total Bdrms Baths

Total Bdrms Baths

Room Count 7 3 1.1

5 1 1

7 3 2

6 3 1

Gross Living Area 1,311 Sq. Ft.

1,076 Sq. Ft.

1,366 Sq. Ft.

1,041 Sq. Ft.

Basement & Finished NONE

NONE

NONE

NONE

Rooms Below Grade N/A

N/A

N/A

N/A

Functional Utility SEE ATTACHED

AVERAGE

AVERAGE

AVERAGE

Heating/Cooling FAU/NO AC

FAU/NO AC

FAU/CENTRAL

FAU/NO AC

Energy Efficient Items AVERAGE

AVERAGE

AVERAGE

AVERAGE

Garage/Carport 2 CAR/see attach

NO GARAGE

2 CAR GARAGE

1 CAR GARAGE

Porch, Patio, Deck, PORCH, DECK

PORCH, PATIO

PORCH, PATIO

POR, DEC, PAT

Fireplace(s), etc. 1 FIREPLACE

1 FIREPLACE

1 FIREPLACE

NO FIREPLACE

Fence, Pool, etc. FENCE

FENCE

FENCE

FENCE

Net Adl. (total) \$ 3,475

\$ 7,875

\$ 9,250

Adjusted Sales Price

Net 2.3 %

Net 5.1 %

Net 5.7 %

of Comparable Gross 14.2 % \$ 153,139

Gross 5.1 % \$ 145,125

Gross 20.3 % \$ 152,250

Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.):

THE COMPARABLES USED ARE JUDGED TO BE THE BEST INDICATORS OF VALUE AVAILABLE AT THE TIME OF THE APPRAISAL.

ITEM

SUBJECT

COMPARABLE NO. 1

COMPARABLE NO. 2

COMPARABLE NO. 3

Date, Price and Data 10/01

NONE KNOWN

NONE KNOWN

NONE KNOWN

Source, for prior sales \$147,000

36 MONTHS

36 MONTHS

36 MONTHS

within year of appraisal METROSCAN

METROSCAN

METROSCAN

METROSCAN

Analysis of any current agreement of sale, option, or listing of subject property and analysis of any prior sales of subject and comparables within one year of the date of appraisal:

THE SUBJECT DOES NOT APPEAR TO HAVE TRANSFERRED OWNERSHIP IN THE PAST 36 MONTHS.

INDICATED VALUE BY SALES COMPARISON APPROACH \$ 150,000

INDICATED VALUE BY INCOME APPROACH (if Applicable) Estimated Market Rent \$ /Mo. x Gross Rent Multiplier = \$

This appraisal is made ☒ "as is" ☐ subject to the repairs, alterations, inspections or conditions listed below ☐ subject to completion per plans & specifications.

Conditions of Appraisal: THE APPRAISAL IS MADE "AS IS" AND THE APPRAISER ASSUMES THAT THERE ARE NO HIDDEN DEFECTS WITHIN THE SUBJECT PROPERTY.

Final Reconciliation: MORE WEIGHT HAS BEEN PLACED ON THE SALES COMPARISON APPROACH THAN OTHER APPROACHES

BECAUSE IT MORE ACCURATELY REFLECTS WHAT INFORMED BUYERS AND SELLERS WILL DO WHEN PROPERTY OFFERED FOR SALE IS GIVEN REASONABLE EXPOSURE TIME IN THE MARKETPLACE.

The purpose of this appraisal is to estimate the market value of the real property that is the subject of this report, based on the above conditions and the certification, contingent and limiting conditions, and market value definition that are stated in the attached Freddie Mac Form 430/FNMA form 1004B (Revised 6-93).

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT, AS OF OCTOBER 21, 2004

(WHICH IS THE DATE OF INSPECTION AND THE EFFECTIVE DATE OF THIS REPORT) TO BE \$ 150,000

APPRaiser: [Signature]

Signature [Signature]

Name LANN T. GILBERT

Name [Signature]

Date Report Signed NOVEMBER 17, 2004

Date Report Signed [Signature]

State Certification # [Signature]

State Certification # [Signature]

Or State License # 1,001068

Or State License # [Signature]

State OR

State [Signature]

SUPERVISORY APPRAISER (ONLY IF REQUIRED):

Signature [Signature]

Name [Signature]

Date Report Signed [Signature]

Date Report Signed [Signature]

State Certification # [Signature]

State Certification # [Signature]

Or State License # [Signature]

Or State License # [Signature]

State [Signature]

State [Signature]

Did ☐ Did Not ☐

Inspect Property

UNIFORM RESIDENTIAL APPRAISAL REPORT

MARKET DATA ANALYSIS

These recent sales of properties are most similar and proximate to subject and have been considered in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of the subject. If a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 4	COMPARABLE NO. 5	COMPARABLE NO. 6
Address	14040 SW 117TH AVENUE TIGARD, OREGON	9740 SW McDONALD STREET TIGARD, OREGON		
Proximity to Subject		0.97 miles		
Sales Price	\$ NONE	\$ 169,900	\$	\$
Price/Gross Living Area	\$ 126.89	\$ 126.89	\$	\$
Data and/or Verification Sources	METROSCAN INSPECTION	METROSCAN/RMLS MLS: 3075546		
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION +(-)\$ Adjust	DESCRIPTION +(-)\$ Adjust	DESCRIPTION +(-)\$ Adjust
Sales or Financing Concessions		CONVENTIONAL NONE NOTED		
Date of Sale/Time		02/04		
Location	SUBURBAN	SUBURBAN		
Leasehold/Fee Simple	FEES SIMPLE	FEES SIMPLE		
Site	9,147 SF	7,405 SF	0	
View	TRAFIC	NEIGHBORHD		
Design and Appeal	RANCH/GOOD	RANCH/GOOD		
Quality of Construction	GOOD	GOOD		
Age	49 YEARS	44 YEARS		
Condition	FAIR	AVERAGE -15,000		
Above Grade Room Count	Total Bdrms: Baths 7 3 1.1	Total Bdrms: Baths 7 3 1.1	Total Bdrms: Baths	Total Bdrms: Baths
Gross Living Area	1,311 Sq. Ft.	1,339 Sq. Ft.	0 Sq. Ft.	0 Sq. Ft.
Basement & Finished Rooms Below Grade	NONE N/A	NONE N/A		
Functional Utility	SEE ATTACHED	AVERAGE -3,000		
Heating/Cooling	FAU/NO AC	BE/NONE +1,500		
Energy Efficient Items	AVERAGE	AVERAGE		
Garage/Carport	2 CAR/see attach	2 CAR GARAGE		
Porch, Patio, Deck, Fireplace(s), etc.	PORCH, DECK 1 FIREPLACE	PORCH, PATIO 2 FIREPLACES -1,000		
Fence, Pool, etc.	FENCE	FENCE		
Net Adj. (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 17,500	<input type="checkbox"/> + <input type="checkbox"/> - \$	<input type="checkbox"/> + <input type="checkbox"/> - \$
Adjusted Sales Price of Comparable		Net: 10.3 % Gross: 12.1 % \$ 152,400	Net: % Gross: % \$	Net: % Gross: % \$
Date, Price and Data Source for prior sales within year of appraisal	10/01 \$147,000 METROSCAN	11/03 \$126,000 METROSCAN		
Comments:				

Supplemental Addendum

File No. 0003653T

File No. 0003653T

Borrower/Client	CITY OF TIGARD		
Property Address	14040 SW 117TH AVENUE		
City	TIGARD	County	WASHINGTON
		State	OR
		Zip Code	97224
Lender	CITY OF TIGARD		

SALES HISTORY: According to county records, the subject was purchased by the city of Tigard on 10/31/2001 for \$147,000 and is currently owned by the city.

PROFESSIONAL ASSISTANCE: Significant professional assistance was provided by Ladd D. Whitcomb (Appraiser Assistant Registration Number: AA01870) including research, analysis, data recording, physical inspection of the subject property and comparable sales as well as final reconciliation of value. This assistance was provided strictly for the training of the assistant and the signing appraiser was intimately involved in all aspects of the development and reporting of this appraisal.

PERSONAL PROPERTY: The appraised value includes only items of equipment considered part of the real estate. No personal property was included in the final estimate of value including free standing appliances and any other items not permanently affixed to the subject.

DIGITAL SIGNATURE/DELIVERY OF THE APPRAISAL: This appraisal was signed with a digital signature and the software used to prepare this report has a signature security feature in the form of a password over which only the appraiser has control. Should the report be altered in any way, the signature is removed and the report cannot be resigned by anyone other than the appraiser. In addition, if this report was delivered electronically, it was done so in a PDF format and the integrity of the report data is protected by a distilling process which allows no changes to be made to a signed appraisal report after transmission.

PURPOSE/FUNCTION/INTENDED USE OF THE APPRAISAL: The purpose of this appraisal is to estimate the market value of the subject property as defined in the certification. The function of the appraisal is to assist the client in evaluating the subject property for marketing purposes. The use of this appraisal for any other purpose or function is strictly unauthorized by the appraiser. This includes but is not limited to its use for insurance, probate, litigation, dissolution of marriage/partnership purposes, nor is it to be used for lending purposes. See attached certification and limiting conditions. This appraisal is a limited appraisal and a summary appraisal report.

INTENDED USER OF THE APPRAISAL/CLIENT CONFIDENTIALITY: In accordance with the Uniform Standards of Professional Appraisal Practice, the appraiser agrees that he/she shall reveal value, analysis, conclusions and/or opinions to no party other than the client without permission. Note: It is a common misunderstanding that the client of the appraiser is the party or parties listed on the Borrower line of the appraisal. It must be understood the client of the appraiser is the party or parties listed on the Lender/Client line of the appraisal regardless of who pays for the appraisal or who owns the real estate being appraised. This being the case, the appraiser is bound to confidentiality via USPAP and cannot discuss the appraisal nor provide additional copies without consent from the client. It is this Firm's policy that such permission shall be given in writing. The use of this appraisal by anyone other than the client is strictly unauthorized by the appraiser. The Borrower is not an authorized user of the appraisal.

SCOPE OF THE APPRAISAL: Upon acceptance of appraisal assignment the following steps were followed in order to arrive at the final estimate of market value as defined in the certification: General market conditions through various data sources were analyzed to determine market trends, influences and other significant factors which could impact the subject property. A physical inspection of the subject was performed, either interior and exterior, or exterior only based on the type of appraisal requested. A more thorough analysis of relevant collected data was performed and highest and best use of the subject was determined. The most comparable sales were selected and verified. A report was then composed in accordance with USPAP with every attempt to include sufficient data and information to lead the client to a similar conclusion of market value. The report was then delivered to the client.

ECONOMIC CHARACTERISTICS/TRENDS/MARKETING TIME: Recently the subject's market has been relatively stable with home values rising slowly over time. Supply and demand appear to be in balance. Assuming economic, physical, functional and external conditions remain the same as of the effective date of the appraisal, the subject should sell for the estimated market value within three to six months if good marketing techniques are employed.

COMPETENCY OF THE APPRAISER: The appraiser possesses the appropriate knowledge, experience and skills to complete this appraisal assignment competently.

HIGHEST AND BEST USE: Based on the four defining factors of highest and best use, the appraiser has determined the highest and best use of the subject property is single family residential. This was the use of the subject as of the effective date of the appraisal.

ASSUMPTIONS/HYPOTHETICAL CONDITIONS/LIMITING CONDITIONS: The appraiser assumes the client possesses the appropriate experience and knowledge to understand the appraisal report and the appraisal techniques employed to develop the appraisal. The appraiser noted no evidence of the existence of infestation, dryrot damage, structural problems, mechanical defects, defective materials used in construction or detrimental environmental conditions, etc., and the final estimate of value is based on the assumption that none of these conditions exist in or around the subject. The appraiser is not an expert in the identification of any of the above mentioned conditions and the appraiser's inspection of the subject is not to be misconstrued as a professional home inspection. Any defects observed by the appraiser have been reported, however, there is absolutely no guarantee or warranty expressed or implied by the appraiser that the subject is free of such defects. It is always recommended the client has a professional home inspection completed by a properly qualified home inspector. If there is any question concerning hazardous materials including, but not limited to, formaldehyde, asbestos, radon, lead, inground storage tanks, etc., an expert in the field of environmental inspection should be engaged. Additionally, this appraisal is made under the assumption the improvements comply with local building codes and that any required permits and/or inspections were obtained during the construction process including any additions or remodeling.

The appraiser is making the extraordinary assumption that the city would allow the garage door to be moved to the north side of the dwelling.

INCOME APPROACH: The income approach was considered inapplicable because the subject is in an area of predominately

Supplemental Addendum

File No. 0003653T

File No. 0003653T

Borrower/Client	CITY OF TIGARD		
Property Address	14040 SW 117TH AVENUE		
City	TIGARD	County	WASHINGTON
		State	OR
		Zip Code	97224
Lender	CITY OF TIGARD		

owner occupied residences and there is insufficient data to develop fair market rent or a reliable gross rent multiplier. The income approach to value was not used.

COST APPROACH: Replacement costs have been used rather than reproduction costs and these costs were derived from the Marshall & Swift Residential Cost Handbook. Physical depreciation is based on the effective age of the subject property using the age/life method. The subject's site value is based on sales of similar sites in the subject's area. If site sales were unavailable, the appraiser relied upon abstraction of site values from sales of improved properties.

SALES COMPARISON APPROACH: The sales comparison approach is judged most accurate approach to value for single family homes because it more accurately reflects what informed buyers and sellers will do when a property offered for sale is given reasonable exposure in the market. Adjustments in this approach to value have been made to reflect the differences between the subject and comparable sales. These adjustments are market reactions, not cost to reproduce and are based on paired sales analysis whenever possible, observed market activity and office files. The comparable sales selected are judged the most accurate indicators of value as of the effective date of the appraisal.

PROXIMITY OF COMPARABLE SALES: The sales chosen are judged the most proximate comparable sales available at the time of appraisal.

SALE PRICES/FINANCING/CONCESSIONS: Unless otherwise stated, at least two data sources were used to confirm sales information.

SALES DATES: Sale dates provided are close of escrow dates, not contract dates.

SITE/VIEW: The size, shape and landscaping of this site is typical of many sites in the area and the subject meets neighborhood standards. Unless otherwise stated, there are no known adverse easements, encroachments, special assessments, slide areas, etc. which will have a negative impact on the value or marketability of the subject although this property may be subject to normal utility easements. Zoning information was obtained from the appropriate planning departments via telephone conversations, faxes and/or Internet sites depending on the municipality.

DESIGN/APPEAL: The subject's interior, exterior and equipment are typical of many homes in this marketing area. The subject has good compatibility with the neighborhood and its market appeal is judged good.

QUALITY OF CONSTRUCTION: The subject is of good quality construction which is typical for the homes in this neighborhood.

AGE: The effective age of the subject is estimated to be less than its actual age because of good preventative maintenance. Adjustments for age are based on the observed effective age of the subject versus the comparable sales, not actual ages. The effective ages of the comparable sales are based on an exterior inspection of these properties, RMLS records, Realtors and office files when available. Effective ages of the comparable sales are estimated as of their sales dates because changes or modifications may have been made since the date of sale.

CONDITION: At the time of inspection, subject appears to be in need of some updating and repairs and is currently in fair condition. The subjects shot lived items are dated and worn and in need of replacement. Some these items include but may not be limited to all floor coverings, interior and exterior paint, kitchen appliances, kitchen fixtures, light fixture, bathroom fixtures and roofing materials.

ROOM COUNT: The number of total rooms, bedrooms and baths is typical of many houses in the area. The foyer, laundry, bathrooms and all rooms below grade (in the basement,) should they exist, have been excluded from the total above grade (not in the basement) room count. Adjustments for room count are typically limited to bathrooms, not total rooms or bedrooms because square footage adjustments have also been made. Please note that rooms below grade have not been simply disregarded. They have been included in the basement section of this appraisal per client guidelines.

SQUARE FOOTAGE: Estimated square footage and building sketch information is provided to assist the client in visualizing the subject and measurements are taken from the exterior of the improvements whenever possible. These measurements are typically rounded to the nearest 1/2 foot. The sketch is considered adequate for comparison purposes but is not to be misconstrued as a "blueprint" of the improvements. While due diligence has been employed by the appraiser, this sketch is only an estimate. It should also be noted that the appraiser's estimate of square footage rarely coincides exactly with assessor's records, Realtor estimates and/or other appraiser's sketches. If major discrepancies are found, the client is urged to obtain an explanation or a second estimate. Should one desire an exact sketch of the subject, an architect is to be employed.

Adjustments made for square footage are market reactions to size differences, not cost to construct per square foot nor on sales price divided by square footage. Neither of these methods are proper appraisal practices. Please note that, as with room count, below grade square footage has not been disregarded but has not been included in total above grade square footage. It has been included in the basement section of the appraisal.

FUNCTIONAL UTILITY: The subject does not currently have access to the garage from the street due to the city taking a section of the lot and installing a 3 foot retaining wall where the drive way had previously been. The \$3,000 functional utility/functional depreciation adjustment is based on market reaction and the cost to move the garage door to the front of the house, residing the east side where garage door currently is placed and installing a suitable driveway. The appraiser was unable to determine if this change would be allowed by the city and is making the extraordinary assumption that this change could be made.

SALES COMPARISON RECONCILIATION: The adjusted values of the comparable sales in the sales comparison approach were reconciled into a single value using a weighted analysis by giving most weight to the comparable sales judged most similar to the subject and, accordingly, least weight to the comparables judged least similar. The appraiser's opinion of the

Supplemental Addendum

File No. 0003653T

Borrower/Client	CITY OF TIGARD		
Property Address	14040 SW 117TH AVENUE		
City	TIGARD	County	WASHINGTON
		State	OR
		Zip Code	97224
Lender	CITY OF TIGARD		

subject's fair market value is based on the Definition of Market Value stated on the certification page. Most weight was placed on comparable#2 due to its location on the same busy street, similar condition and low gross adjustments. Secondary weight was placed on comparable #1 due to its similar condition and more recent date of sale.

Building Sketch

Borrower/Client CITY OF TIGARD			
Property Address 14040 SW 117TH AVENUE			
City TIGARD	County WASHINGTON	State OR	Zip Code 97224
Lender CITY OF TIGARD			

Sketch by Apax IV™

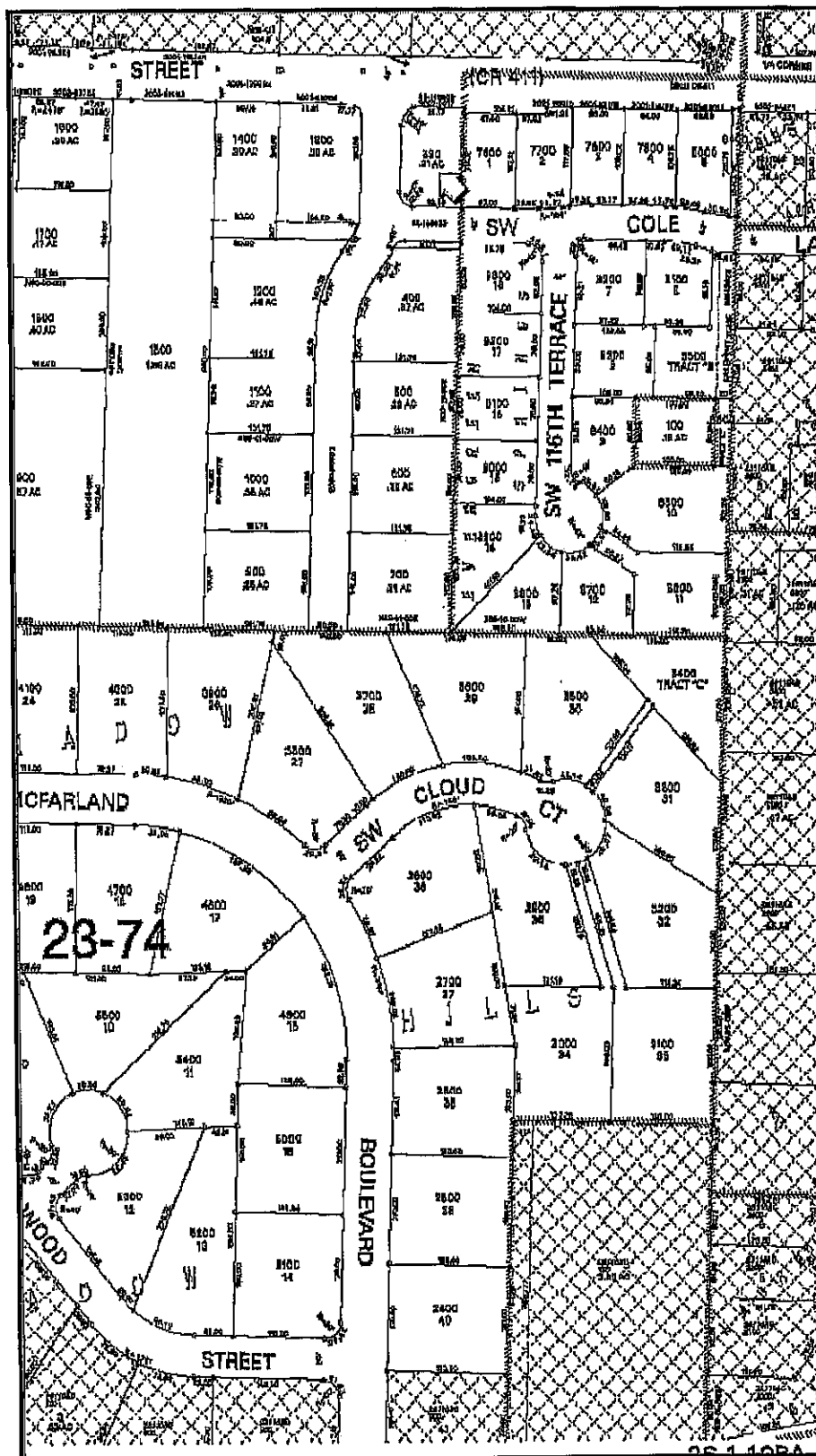
Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor	1311.00	1311.00
GAR	Garage	380.00	380.00
TOTAL LIVABLE (rounded)			1311

LIVING AREA BREAKDOWN		
Breakdown		Subtotals
First Floor		
25.0 x	41.0	1066.00
7.0 x	20.0	140.00
5.0 x	21.0	105.00
3 Calculations Total (rounded)		1311

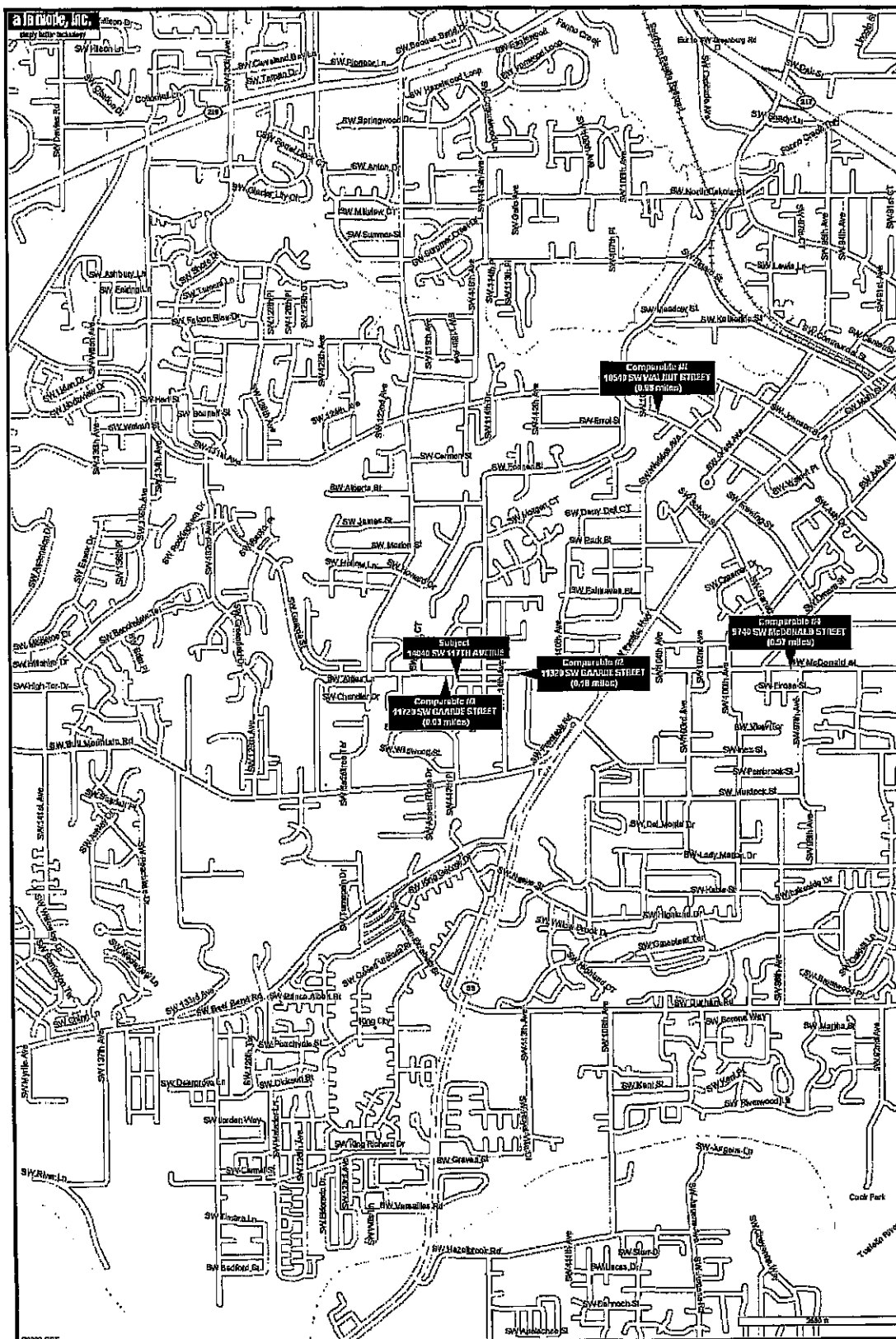
Plat Map

Buyer/Client	CITY OF TIGARD		
Property Address	14040 SW 117TH AVENUE		
City	TIGARD	County	WASHINGTON
		State	OR
		Zip Code	97224
Lender	CITY OF TIGARD		



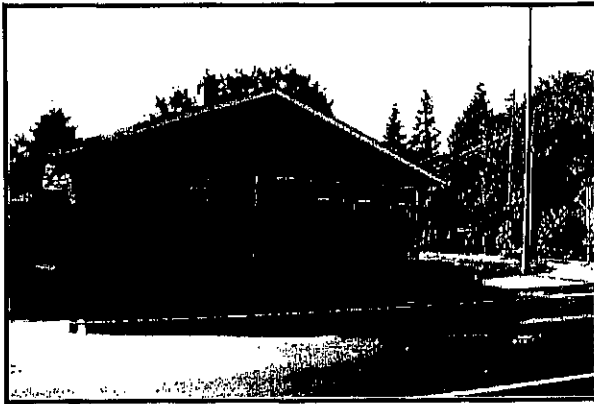
Location Map

Borrower/Client	CITY OF TIGARD		
Property Address	14040 SW 117TH AVENUE		
City	TIGARD	County	WASHINGTON
		State	OR
		Zip Code	97224
Lender	CITY OF TIGARD		



Subject Photo Page

Borrower/Client	CITY OF TIGARD		
Property Address	14040 SW 117TH AVENUE		
City	TIGARD	County	WASHINGTON
		State	OR
		Zip Code	97224
Lender	CITY OF TIGARD		

**Subject Front**

14040 SW 117TH AVENUE
 Sales Price NONE
 Gross Living Area 1,311
 Total Rooms 7
 Total Bedrooms 3
 Total Bathrooms 1.1
 Location SUBURBAN
 View TRAFIC
 Site 9,147 SF
 Quality GOOD
 Age 49 YEARS

**Subject Rear****Subject Street**

Comparable Photo Page

Borrower/Client CITY OF TIGARD			
Property Address 14040 SW 117TH AVENUE			
City TIGARD	County WASHINGTON	State OR	Zip Code 97224
Lender CITY OF TIGARD			

**Comparable 1**

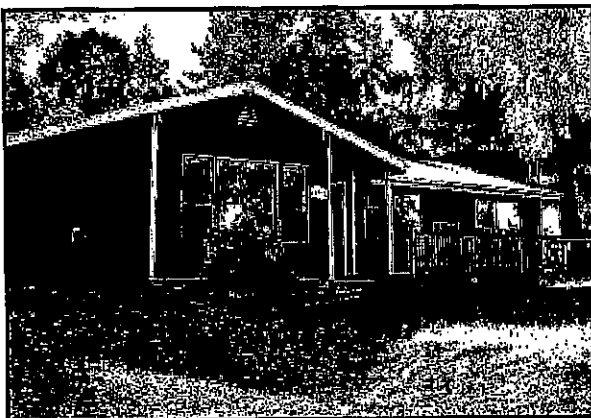
10540 SW WALNUT STREET

Prox. to Subject 0.98 miles
 Sale Price 149,664
 Gross Living Area 1,076
 Total Rooms 5
 Total Bedrooms 1
 Total Bathrooms 1
 Location SUBURBAN
 View TRAFFIC
 Site 16,988 SF
 Quality GOOD
 Age 40 YEARS

**Comparable 2**

11320 SW GAARDE STREET

Prox. to Subject 0.18 miles
 Sale Price 153,000
 Gross Living Area 1,366
 Total Rooms 7
 Total Bedrooms 3
 Total Bathrooms 2
 Location SUBURBAN
 View TRAFFIC
 Site 10,454 SF
 Quality GOOD
 Age 50 YEARS

**Comparable 3**

11720 SW GAARDE STREET

Prox. to Subject 0.03 miles
 Sale Price 161,500
 Gross Living Area 1,041
 Total Rooms 6
 Total Bedrooms 3
 Total Bathrooms 1
 Location SUBURBAN
 View TRAFFIC
 Site 13,068 SF
 Quality GOOD
 Age 46 YEARS

Comparable Photo Page

Borrower/Client	CITY OF TIGARD		
Property Address	14040 SW 117TH AVENUE		
City	TIGARD	County	WASHINGTON
		State	OR
		Zip Code	97224
Lender	CITY OF TIGARD		

**Comparable 4**

9740 SW McDONALD STREET
 Prox. to Subject 0.97 miles
 Sale Price 169,900
 Gross Living Area 1,339
 Total Rooms 7
 Total Bedrooms 3
 Total Bathrooms 1.1
 Location SUBURBAN
 View NEIGHBORHOOD
 Site 7,405 SF
 Quality GOOD
 Age 44 YEARS

Comparable 5

Prox. to Subject
 Sale Price
 Gross Living Area
 Total Rooms
 Total Bedrooms
 Total Bathrooms
 Location
 View
 Site
 Quality
 Age

Comparable 6

Prox. to Subject
 Sale Price
 Gross Living Area
 Total Rooms
 Total Bedrooms
 Total Bathrooms
 Location
 View
 Site
 Quality
 Age

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

SUPERVISORY APPRAISER'S CERTIFICATION: If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

ADDRESS OF PROPERTY APPRAISED: 14040 SW 117TH AVENUE, TIGARD, OR 97224

APPRAISER:

Signature: [Signature]
 Name: FANNY T. GILBERT
 Date Signed: NOVEMBER 17, 2004
 State Certification #: _____
 or State License #: 1001068
 State: OR
 Expiration Date of Certification or License: 1/31/06

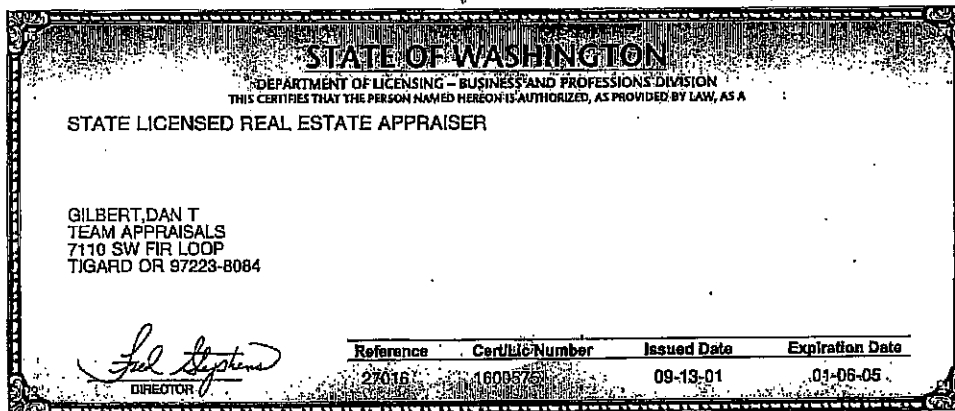
SUPERVISORY APPRAISER (only if required):

Signature: _____
 Name: _____
 Date Signed: _____
 State Certification #: _____
 or State License #: _____
 State: _____
 Expiration Date of Certification or License: _____

☐ Did ☐ Did Not Inspect Property

Appraiser's Licenses

Borrower/Client CITY OF TIGARD			
Property Address 14040 SW 117TH AVENUE			
City TIGARD	County WASHINGTON	State OR	Zip Code 97224
Lender CITY OF TIGARD			



AGENDA ITEM # 6
FOR AGENDA OF 12/14/04

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

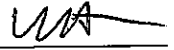
ISSUE/AGENDA TITLE Adoption of a Resolution Updating the Parks and Recreation System Development Charge (SDC) Methodology and Amending Resolution No. 04-37 by amending Exhibit "A" thereto and Increasing Park SDC Rates.

PREPARED BY: Dan Plaza, 2590

DEPT HEAD OK



CITY MGR OK



ISSUE BEFORE THE COUNCIL

Should Council Approve and Adopt a Resolution Creating New Parks SDC Methodology and Increased Rates?

STAFF RECOMMENDATION

Approve and Adopt Resolution Creating New Parks SDC Methodology and Increased Rates.

INFORMATION SUMMARY

On November 23, Council conducted a public hearing on the matter of approving and adopting a revised Parks SDC Methodology and Increased Rates. The Home Builders Association of Metropolitan Portland and Venture Properties submitted testimony. The Council also reviewed a suggested amendment from staff addressing one of the Home Builders concerns. The revision not only updates the methodology, but it also increases the rates as of January 1, 2005. The proposed skate park is included in the list of current recommended SDC funded projects that are to be paid for from the existing SDC fund balance which is approximately \$2,000,000.

Council directed staff to prepare a resolution adopting the new methodology and rates, including the proposed amendment. As amended, the proposed rates will be:

Single Family:	\$3,753
Multi-family:	\$3,017
Manufactured Housing:	\$2,976
Employee:	\$ 255

If approved by Council the new rates will be effective January 1, 2005.

OTHER ALTERNATIVES CONSIDERED

Not approve resolution.

Another option would be to approve the resolution with a different effective date.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

"Tigard Beyond Tomorrow" Council Visioning Process – Urban and Public Services – Goal 1, Strategy 1 –
Acquire and Develop Park Land

ATTACHMENT LIST

Attachment 1 – Council Resolution

Attachment 2 – Parks and Recreation System Development Charges Methodology Update dated 11/10/04

Attachment 3 – Letter from Don Ganer dated 11/9/04

FISCAL NOTES

Under the current methodology the City anticipates collecting approximately \$2.3M over the next 5-year period.
Under the revised rates, it is estimated that the City will collect approximately \$7.9M over the same period.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION UPDATING THE PARKS AND RECREATION SYSTEM DEVELOPMENT CHARGE (SDC) METHODOLOGY AND AMENDING RESOLUTION NO. 04-37 BY AMENDING EXHIBIT A THERETO AND INCREASING PARK SDC RATES.

WHEREAS, Tigard Municipal Code Chapter 3.24.050(3) provides that the methodology used to establish improvement fee or reimbursement fee SDC's shall be adopted by resolution; and

WHEREAS, the need for facilities to serve the planning area for which the City is responsible have changed since the time the current Park SDC methodology was adopted; and

WHEREAS, the City of Tigard has prepared an updated Parks and Recreation System Development Charges Update Methodology Report (methodology report); and

WHEREAS, the updated methodology report includes updated SDC rates that reflect currently identified needs and costs; and

WHEREAS, the City provided notice of the hearing and of the availability of the methodology on August 9, 2004, at least 90 days before the first hearing, as required by ORS 223.304; and

WHEREAS, the methodology was available to the public on September 24, 2004, at least 60 days before the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard City Council hereby adopts the Parks and Recreation System Development Charges Update Methodology Report attached hereto as Exhibit 1.

SECTION 2: Resolution No. 04-37 is hereby amended by amending Exhibit A to that resolution to read as shown in Exhibit A hereto and incorporated by this reference.

SECTION 3: This resolution is effective immediately on passage, although the rates adopted and imposed under Section 2 shall not be effective until January 1, 2005. The rates are effect prior to the adoption of this resolution shall remain in effect until that date.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

Deputy City Recorder - City of Tigard

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - PLANNING			1/1/2004
	<i>Park System Development Charge (SDC)*</i>		1/5/2004
	Single Family Unit	\$1,852.00 \$3,753.00	
	Attached Single Family Unit (Row house, Townhouse)	\$1,163.00	
	Apartment Unit, including condominiums	\$959.00	
	Multi-family Unit	\$3,017.00	
	Spaces in a manufactured home park	\$1,299.00 \$2,976.00	
	Commercial/industrial (per employee)	\$131.00 \$255.00	

Park SDC Annual Adjustment

4/10/2001

Parks SDC fees shall be adjusted annually on January 1st of each year beginning in 2002. The new fee will be determined by multiplying the existing fees by the average of two indices, one reflecting changes in development/construction costs and one reflecting changes in land acquisition costs. The average of these two indices is a reasonable approach because the Parks SDC fee is roughly split 50% between land acquisition and land development components.

The index for the Land Acquisition component will be the base cost for residential tract land in Tigard, as determined by the Washington County Appraiser. The average cost for residential tract land was selected because it is readily identified and is the lowest priced of the buildable lands in Tigard. Changes in this base cost can be calculated in terms of a percentage increase, to create the level of change to the original index, and projected to the overall acquisition cost. In accordance with Measure 5, the Washington County Appraiser's office will determine appraised values on July 1 of each year.

The index for the Land Development component of the Parks SDC will be the Construction Cost Index for the City of Seattle as published in the December

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
------------	----------------	---------------	----------------

issue of the Engineering News Record (ENR). The Seattle cost index will be used because the city is the geographically closest to Tigard of twenty metropolitan areas for which the ENR maintains cost data. This index is adjusted monthly, quarterly, and annually. The annual index for each year will be selected beginning with the index for December 2002. The annual index will be used because it is available in December and most closely coincides with the January 1st implementation of Park SDC fee adjustments.

Park SDC Annual Adjustment (cont.)

Calculation Definitions:

SDC (2000) = Current SDC fee

L (2000) = Average cost of residential tract land 2000

L (2001) = Average cost of residential tract land 2001

L (2xxx) = Average cost of residential tract land 2xxx

C (2000) = Construction cost index of 2000

C (2001) = Construction cost index of 2001

C (2xxx) = Construction cost index of 2xxx

LCI = Land Cost Index: change from the current year from previous year

CCI = Construction Cost Index: change from the current year from previous year

ACI = Average cost index change of LCI + CCI

Formula:

$$L (2001) / L (2000) = LCI$$

and

$$C (2001) / C (2000) = CCI$$

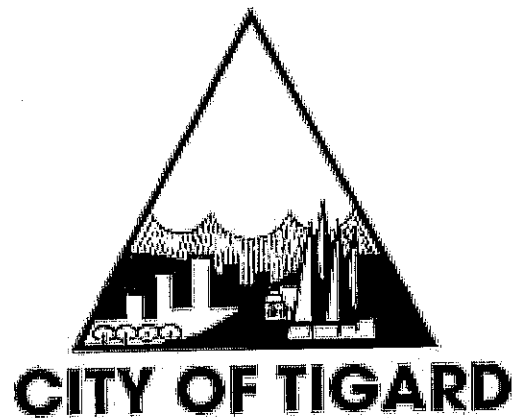
therefore

$$LCI + CCI / 2 = ACI$$

then

$$SDC (2001) \times ACI = SDC (2002)$$

Each year subsequent to 2002, the costs shall be revised using the current year and previous year's data. Notwithstanding the foregoing, all calculations shall be carried out to the thousandth place. A final product ending in .49 or less shall be rounded down to the nearest dollar, .50 or more up to the next dollar. Community Development staff will perform the adjustment calculation and prepare the resolution each year.



**PARKS AND RECREATION
SYSTEM DEVELOPMENT CHARGES
METHODOLOGY UPDATE**

REVISED DRAFT as of
November 10, 2004

PO Box 91491 • Portland, OR 97291 • 503-690-8981 • DGaner@GanerAssociates.com

**Don
Ganer &
Associates, Inc.**

ATTACHMENT #2

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CITY OF TIGARD

Parks and Recreation System Development Charges Methodology Update

1.0 INTRODUCTION

System Development Charges (SDCs) are one-time fees charged to new development to help pay a portion of the costs associated with building capital facilities to meet needs created by growth. SDCs are authorized for five types of capital facilities including transportation, water, sewer, stormwater, and parks and recreation. The City of Tigard adopted the current parks and recreation SDCs methodology in 1996, and updated the parks SDCs in March 2001 to include annual rate adjustments to account for changes in costs.

In July 2004, the City engaged Don Ganer & Associates, Inc. to update the City's Parks and Recreation SDC methodology to reflect an updated Parks Capacity Improvements Program including selected needs identified in the Tigard Park System Master Plan (July 1999) and in the Bull Mountain Annexation White Paper on Parks and Open Spaces (May 28, 2004). These documents consider parks needs for current city boundaries and the urban services planning area for which the City of Tigard is responsible under agreement with Washington County.

Section 2.0 of this report presents authority and background information including (1) legislative authority for SDCs; (2) an explanation of "improvement fee" and "reimbursement fee" SDCs; (3) requirements and options for credits, exemptions and discounts; and (4) alternative methodology approaches. Section 3.0 presents the methodology used to update the Parks and Recreation SDCs, section 4.0 presents the calculation of Residential Parks and Recreation SDC Rates, section 5.0 presents the calculation of Non-Residential Parks and Recreation SDC Rates, and section 6.0 discusses annual adjustment of the SDC rates. The Parks and Recreation SDC Parks Capacity Improvements Program (PCIP) listing of projects that may be funded with SDC revenues is included as Appendix A to this report.

2.0 AUTHORITY AND BACKGROUND INFORMATION

A. Legislative Authority

The source of authority for the adoption of SDCs is found both in state statute and in the City's own plenary authority to adopt this type of fee. While SDCs have been in use in Oregon since the mid-1970's, State legislation regarding SDCs was not adopted until 1989, when the Oregon Systems Development Act (ORS 223.297 - 223.314) was passed. The purpose of this Act was to "...provide a uniform framework for the imposition of system development charges..". Additions and modifications to the Oregon Systems Development Act have been made in 1993, 1999, 2001, and 2003. Together, these pieces of legislation require local governments that enact SDCs to:

- adopt SDCs by ordinance or resolution;
- develop a methodology outlining how the SDCs were developed;
- adopt a capital improvements program to designate capital improvements that can be funded with "improvement fee" SDC revenues;
- provide credit against the amount of the SDC for the construction of certain "qualified public improvements";
- separately account for and report receipt and expenditure of SDC revenues, and develop procedures for challenging expenditures; and
- use SDC revenues only for capital expenditures (operations and maintenance uses are prohibited).

B. "Improvement fee" and "Reimbursement fee" SDCs

The Oregon Systems Development Act provides for the imposition of two types of SDCs: (1) "improvement fee" SDCs, and (2) "reimbursement fee" SDCs. "Improvement fee" SDCs may be charged for new capital improvements that will increase capacity. Revenues from "improvement fee" SDCs may be spent only on capacity-increasing capital improvements identified in the required capital improvements program that lists each project, and the expected timing, cost, and growth-required percentage of each project. "Reimbursement fee" SDCs may be charged for the costs of existing capital facilities if "excess capacity" is available to accommodate growth. Revenues from "reimbursement fees" may be used on *any* capital improvement project, including major repairs, upgrades, or renovations. Capital improvements funded with "reimbursement fee" SDCs do not need to increase capacity, but they must be included in the list of projects to be funded with SDC revenues.

C. Requirements and Options for Credits, Exemptions, and Discounts

(1) Credits

A credit is a reduction in the amount of the SDC for a specific development. The Oregon SDC Act requires that credit be allowed for the construction of a "qualified public improvement" which (1) is required as a condition of development approval, (2) is identified in the City's capital improvements program, and (3) either is not located on or contiguous to property that is the subject of development approval, or is located on or contiguous to such property and is required to be built larger or with greater capacity than is necessary for the particular development project. The credit for a qualified public improvement may only be applied against an SDC for the same type of improvement (e.g., a parks and recreation improvement can only be used for a credit for a parks and recreation SDC), and may be granted only for the cost of that portion of an improvement which exceeds the minimum standard facility size or capacity needed to serve the particular project. For multi-phase projects, any excess credit may be applied against that accrue in subsequent phases of the original development project.

In addition to these required credits, the City may, if it so chooses, provide a greater credit, establish a system providing for the transferability of credits, provide a credit for a capital improvement not identified in the City's capital improvements program, or provide a share of the cost of an improvement by other means (i.e., partnerships, other City revenues, etc.).

(2) Exemptions

The City may "exempt" certain types of development, such as "non-residential development" from the requirement to pay parks SDCs. Exemptions reduce SDC revenues and, therefore, increase the amounts that must come from other sources, such as bonds and property taxes.

(3) Discounts

The City may "discount" the amount of the SDC by reducing the portion of growth-required improvements to be funded with SDCs. A discount in the SDC may also be applied on a pro-rata basis to any identified deficiencies to be funded from non-SDC sources. For example, the City may decide to charge new development an SDC rate sufficient to pay for some types of facilities but not for others (i.e., neighborhood parks but not trails, etc.), or to pay only a percentage (i.e., 80%, 50%, etc.) of identified growth-required costs. The portion of growth-required costs to be funded with SDCs must be identified in the City's capital improvements program.

Because discounts reduce SDC revenues, they increase the amounts that must come from other sources, such as bonds or general fund contributions, in order to achieve or maintain adopted levels of service.

D. Alternative Methodology Approaches

There are three basic approaches used to develop improvement fee SDCs; "standards-driven", "improvements-driven", and "combination/hybrid".

(1) Standards-Driven Approach

The "standards-driven" approach is based on the application of Level of Service (LOS) Standards for facilities such as neighborhood parks, community parks, etc. Facility needs are determined by applying the LOS Standards to projected future population and employment, as applicable. SDC-eligible amounts are calculated based on the costs of facilities needed to serve growth. This approach works best where current and planned levels of service have been identified but no specific list of projects is available.

(2) Improvements-Driven Approach

The “improvements-driven” approach is based on a specific list of planned capacity-increasing capital improvements. The portion of each project that is attributable to growth is determined, and the SDC-eligible costs are calculated by dividing the total costs of growth-required projects by the projected increase in population and employment, as applicable. This approach works best where a detailed master plan or project list is available and the benefits of projects can be readily apportioned between growth and current users.

(3) Combination/Hybrid Approach

The combination/hybrid-approach includes elements of both the “improvements-driven” and “standards-driven” approaches. Level of Service standards may be used to create a list of planned capacity-increasing projects, and the growth-required portions of projects can then be used as the basis for determining SDC-eligible costs. This approach works best where Levels of Service have been identified and the benefits of individual projects are not easily apportioned between growth and current users.

3.0 PARKS AND RECREATION SDC METHODOLOGY

The Improvements-Driven approach has been used to develop the updated Parks and Recreation SDC methodology. The Tigard Park System Master Plan (July 1999) and the Bull Mountain Annexation White Paper on Parks and Open Spaces (May 28, 2004) identify projects designed to repair deficiencies and address growth needs within the City and the adjacent urban services planning area. The SDC Parks Capacity Improvements Program (Appendix A) includes these projects and identifies the growth-required portion (if any), the estimated timing, and the estimated cost of each project.

Parks and recreation facilities benefit City residents, businesses, non-resident employees, and visitors. The methodology used to update the City's Parks and Recreation SDCs establishes the required connection between the demands of growth and the SDC by identifying specific types of parks and recreation facilities and analyzing the proportionate need of each type of facility for use by residents and employees. The SDCs to be paid by a development meet statutory requirements because they are based on the nature of the development and the extent of the impact of the development on the types of parks and recreation facilities for which they are charged. The Parks and Recreation SDCs are based on population and employment, and the SDC rates are calculated based on the specific impact a development is expected to have on the City's population and employment. For facilities that are not generally used by employees (e.g., neighborhood parks), only a residential parks and recreation SDC may be charged. For facilities that benefit both residents and employees (i.e., community parks, etc.), parks and recreation SDCs may be charged for both residential and non-residential development.

A. Population and Employment Growth

The Parks and Recreation SDCs are based on costs per "capita" (person). Estimates of current and projected population and employment within the City of Tigard and the adjacent urban services planning area were calculated using data from Metro and the Population Research Center at Portland State University.

TABLE 3.1

**PROJECTED POPULATION AND EMPLOYMENT
INCREASES FROM NEW DEVELOPMENT (2003 - 2008)**

	<u>2008 (Projected)</u>		<u>Estimated 2003</u>		<u>Projected Increase</u>
Population:	58,367	-	53,099	=	5,268
Employment:	41,575	-	38,441	=	3,134

B. Persons Per Dwelling Unit

The Residential Parks and Recreation SDC rates are based on costs per capita and are calculated based on the number of persons per dwelling unit. Dwelling units typically house different numbers of persons depending on the type of unit (i.e., single family, multi-family, etc.). To determine the appropriate number of persons per dwelling unit, official U.S. Census data gathered for Tigard in 2000 was analyzed, and the resulting calculations are displayed in Table 3.2, page 7.

TABLE 3.2
CITY OF TIGARD
AVERAGE PERSONS PER DWELLING UNIT

<u>Type of Unit</u>	<u>2000 Census Avg. Persons Per Dwelling Unit</u>
Single-Family	2.67
Multi-Family	1.86
Manufactured Housing	1.81

C. Benefit of Facilities

Facility needs must consider the proportionate benefit each type of facility has for residents and employees. A resident is any person whose place of residence is within Tigard and the adjacent urban services planning area. An employee is any person who receives remuneration for services, and whose services are directed and controlled either by the employee (self-employed) or by another person or organization. The parks and recreation facilities discussed in this report are defined in the Tigard Park System Master Plan (July 1999). For purposes of this report, neighborhood parks are considered to be used primarily by residents, rather than by employees and other non-residents, and; therefore, the identified needs for these types of facilities are based only on population and do not consider employment. For all other facilities including community parks, linear parks, etc., both population and employment were considered when identifying facility needs.

While parks and recreation facilities benefit both residents and employees, the amount of time these facilities are available for use by employees is not the same as for residents; an employee does not create demands for facilities equal to those created by a resident. In order to equitably apportion the need for facilities between employees and residents, an employee-to-resident demand ratio was developed based on the potential time these facilities are available for use.

First, estimates for the average number of hours per day these facilities are available for use were identified. Children's ages, adult employment status, work location (inside or outside the City), and seasonal variances were taken into account and are displayed in Table 3.3, page 8.

TABLE 3.3
ESTIMATES OF AVERAGE DAILY
AVAILABILITY OF PARKS AND RECREATION FACILITIES

	<u>Non-Employed Adult (18+)</u>	<u>5-17 Kids</u>	<u>Live In/ Work In</u>	<u>Live In/ Work Out</u>	<u>Live Out/ Work In</u>	<u>Total</u>
Summer (June-Sept)						
<u>Weekday</u>						
Before Work			1		1	2
Meals/Breaks			1		1	2
After Work			2		2	4
Other Leisure	12	12	2	2		28
Sub-Total	12	12	6	2	4	36
<u>Weekend</u>						
Leisure	12	12	12	12	0	48
Sub-Total	12	12	12	12	0	48
Summer Hrs/Day	12	12	7.71	4.86	2.86	39.43
Spring/Fall (April-May, Oct-Nov)						
<u>Weekday</u>						
Before Work			0.5		0.5	1
Meals/Breaks			1		1	2
After Work			1		1	2
Other Leisure	10	4	2	2		18
Sub-Total	10	4	4.5	2	2.5	23
<u>Weekend</u>						
Leisure	10	10	10	10	0	40
Sub-Total	10	10	10	10	0	40
Spring/Fall Hours/Day	10	5.71	6.07	4.29	1.79	27.86
Winter (December-March)						
<u>Weekday</u>						
Before Work			0.5		0.5	1
Meals/Breaks			1		1	2
After Work			0.5		0.5	1
Other Leisure	8	2	1	1		12
Sub-Total	8	2	3	1	2	16
<u>Weekend</u>						
Leisure	8	8	8	8	0	32
Sub-Total	8	8	8	8	0	32
Winter Hours/Day	8	3.71	4.43	3	1.43	20.57
Annual Weighted Avg. Hours	10	7.14	6.07	4.05	2.02	29.29

The Annual Weighted Average Hours of availability was calculated for each category of residents and employees using the following formula:

$$(\text{Summer Hours/Day} \times 3 [\text{months}] + \text{Spring/Fall Hours/Day} \times 6 + \text{Winter Hours/Day} \times 3) / 12$$

Next, the Annual Weighted Average Hours (from Table 3.3, page 8) were applied to population and employment data (2000 Census) to determine the Total Annual Weighted Average Hours for each category of Resident and Employee. The results are displayed in Table 3.4.

TABLE 3.4

**TOTAL ANNUAL AVAILABILITY
OF PARKS AND RECREATION FACILITIES**

	<u>Non-Employed Adult (18+)</u>	<u>5-17 Kids</u>	<u>Live In/ Work In</u>	<u>Live In/ Work Out</u>	<u>Live Out/ Work In</u>	<u>Total</u>
Population & Employment Data (2000 Census)	9,140	7,270	5,798	15,821	27,382	65,411
Annual Weighted Avg. Hours	<u>10</u>	<u>7.14</u>	<u>6.07</u>	<u>4.05</u>	<u>2.02</u>	<u>29.29</u>
Tot. Annual Weighted Avg. Hrs.	91,400	51,929	35,202	64,037	55,416	297,984

Next, the available hours (from Table 3.4) were allocated between resident hours and non-resident employment hours, as displayed in Table 3.5.

TABLE 3.5

**TOTAL RESIDENCE AND NON-RESIDENT EMPLOYMENT RELATED
AVAILABILITY OF PARKS AND RECREATION FACILITIES**

	<u>Hours</u>	<u>% of Total</u>
<u>Resident</u>		
Non-Employed Adult	91,400	
5-17 Kids	51,929	
Live In/Work In	35,202	
Live In/Work Out	<u>64,037</u>	
sub-total	242,568	81.40%
<u>Non-Resident</u>		
Non-Resident Employee	55,416	18.60%

Finally, the Non-Resident Employee to Resident Parks Demand Ratio was calculated by dividing the total of non-resident employment hours by the total for resident hours (from Table 3.5), with results summarized in Table 3.6, page 10.

TABLE 3.6**NON RESIDENT EMPLOYEE-TO-RESIDENT PARKS DEMAND RATIO**

Weighted Average Hours/Non-Resident Employment		Weighted Average Weighted Average Hours/Residents		Non-Resident Employment % to Resident Demand
55,416	÷	242,568	=	22.8%

D. Facility Needs

The Tigard Park System Master Plan (July 1999) included a 10-year Capital Improvement Plan (Table 11) that was not adopted by the City, pending updating the SDC Methodology. The Master Plan also included a recommended Level of Service (LOS) standard of 11.0 acres per 1,000 persons that was not adopted, but instead is “viewed by the Council as a visionary goal or ideal standard”. The facility needs identified in the “Bull Mountain Annexation White Paper on Parks and Open Spaces” have been combined with major needs included in the Master Plan to develop the Parks Capacity Improvements Program included as Appendix A to this report.

Table 3.7, below, presents a summary of facility needs through the year 2008, both for growth and to repair deficiencies for current residents and employees. The “Current Need” is the proportionate share needed to provide facilities to current residents and employees (if applicable) at the levels of service planned for the year 2008. The “Growth Need” is the proportionate share needed to provide facilities to future residents and employees (if applicable) at the planned levels of service for 2008.

TABLE 3.7**FACILITY NEEDS FOR POPULATION AND
EMPLOYMENT GROWTH AND DEFICIENCY REPAIR**

Facility Type	Planned LOS (Units/1000)	Current Inventory	Current Need	Surplus or (Deficiency)	2008 Need	Growth Need
Neighborhood Parks (acres)	0.68	19.06	36.21	(17.15)	39.80	3.59
Community Parks (acres)	1.81	102.87	112.03	(9.16)	122.87	10.84
Greenways (acres)	3.25	173.00	201.05	(28.06)	220.50	19.44
Linear Parks (acres)	<u>0.81</u>	<u>52.22</u>	<u>50.14</u>	<u>2.08</u>	<u>55.00</u>	<u>2.78</u>
Total Acres	6.55	347.15	399.43	52.29	438.17	36.65
Trails (miles)	0.19	8.00	11.95	(3.95)	13.11	1.16

There are deficiencies in the number of acres of Neighborhood Parks, Community Parks, and Greenways; and in the miles of Trails available to serve current residents and employees. Improvement fee SDC revenues must be used only for growth needs, and may not be used to remedy deficiencies. Alternative non-SDC revenues must be used to repair deficiencies.

E. New Facility Costs

The SDC Parks Capacity Improvements Program (PCIP), included as Appendix A, identifies new facilities needed to serve parks and recreation needs of the City through the year 2008. Table 3.8, below, shows a breakout of residential and non-residential share of costs for these new facilities. Because employees need fewer facilities than those required for a resident, the residential share of growth costs is 88.1% of the total for those facilities that benefit both residential and non-residential development (i.e., community parks, linear parks, etc.), and 100% for those facilities that benefit residential development only (e.g., neighborhood parks).

TABLE 3.8
**RESIDENTIAL AND NON-RESIDENTIAL
GROWTH-REQUIRED NEW FACILITY COSTS**

<u>Facility</u>	<u>Cost Per Unit</u>	<u>Total New Facility Costs</u>	<u>New Facility Growth Costs</u>	<u>Residential Growth Costs</u>	<u>Non-Residential Growth Costs</u>
Neighborhood Parks (acres)*	\$410,000	\$8,503,400	\$1,472,310	\$1,472,310	\$ 0
Community Parks (acres)**	440,000	8,800,000	4,769,600	4,202,018	567,582
Greenways (acres)***	130,000	6,175,000	2,527,200	2,226,463	300,737
Linear Parks (acres)#	230,000	639,400	639,400	563,311	76,089
Trails (miles)##	520,000	<u>2,657,200</u>	<u>603,200</u>	<u>531,419</u>	<u>71,781</u>
Totals		\$26,775,000	\$10,011,710	\$8,995,521	\$1,016,189
Percentage of Growth Costs				89.8%	10.2%

* Neighborhood Parks are considered to benefit residential population only; cost per unit is based on land at \$250,000 per acre and development at \$160,000 per acre. Land cost estimate is based on a review of recent similar acquisitions by the cities of Sherwood, Tigard, Tualatin and Hillsboro, and by the Tualatin Hills Park & Recreation District. Development cost assumes that approximately \$10,000 per acre in costs will be donated through tree mitigation.

** Community Parks cost is based on \$250,000 per acre for acquisition and \$190,000 for development. Land cost estimate is based on a review of recent acquisitions in the cities of Sherwood, Tigard, Tualatin and Hillsboro, and by the Tualatin Hills Park & Recreation District. Development cost assumes that approximately \$10,000 per acre in costs will be donated through tree mitigation.

*** Greenways cost of \$130,000 per acre is based on a review of recent similar acquisitions in the cities of Sherwood, Tigard, Tualatin and Hillsboro, and by the Tualatin Hills Park & Recreation District. Greenways cost assumes that approximately \$10,000 per acre in costs will be donated through tree mitigation.

Linear Parks cost is based on \$140,000 per acres for acquisition and \$90,000 per acre for development. Development cost assumes that approximately \$10,000 per acre in costs will be donated through tree mitigation.

Trails costs include land acquisition at approximately \$70,000 per mile (1/2 acre per mile), and development at \$450,000 per mile. Land cost estimate is based on a review of recent similar acquisitions in the cities of Sherwood, Tigard, Tualatin and Hillsboro, and by the Tualatin Hills Park & Recreation District.

F. Compliance/Administrative Costs

The City incurs costs in the development and administration of the SDCs and may recoup a portion of those costs in accordance with ORS 223.307(5). Compliance/administrative costs during the 5-year collection period have been estimated as follows:

Master Plan Update (\$100,000 for consulting and staff services)	\$100,000
Annual PCIP Management, Accounting and Reporting Costs (approximately \$10,000 per year for consulting, legal, audit, financial reporting and staff services)	\$50,000
SDC Methodology Reviews and Update	<u>\$15,000</u>
Total Estimated 5-year Compliance/Administrative Costs	\$165,000

These costs are allocated between population and employment based on the growth share percentages included in Table 3.8, page 11, and are shown in Table 3.9, below.

TABLE 3.9

COMPLIANCE/ADMINISTRATIVE COST ALLOCATIONS

<u>Type of Development</u>	<u>Share of Growth Costs</u>	<u>Estimated 5-year Compliance/ Administrative Costs</u>	<u>Compliance/ Administrative Cost Allocation</u>
Population (Residential)	89.8%	\$165,000	\$148,252
Employment (Non-residential)	10.2%	\$165,000	\$16,782

4.0 RESIDENTIAL PARKS AND RECREATION SDC RATES

The City's Residential Parks and Recreation SDC rates are calculated using a series of sequential formulas which, when completed, yield the total SDC rates for each new dwelling unit in the City. The formulas identify:

- a) the net residential SDC-eligible costs (Formula 4a, below)
- b) the residential improvements cost per capita (Formula 4b, page 14),
- c) the residential improvements cost per dwelling unit (Formula 4c, page 14),
- d) the residential SDC tax credit per dwelling unit (Formula 4d, page 15), and
- e) the residential SDC per dwelling unit (Formula 4e, page 16).

The Residential SDC rate is an "improvement fee" only, and does not include a "reimbursement fee" component.

A. Formula 4a: Net Residential SDC Eligible Costs

The net residential SDC-eligible costs are calculated by adding the residential portion of growth-required improvements cost (identified in Table 3.8, page 11) and Compliance/Administrative Costs (Table 3.9, page 12).

$$\begin{array}{rcccl} & \text{Residential} & & \text{Compliance/} & \\ & \text{New Facility} & + & \text{Administrative} & = \text{Net Residential} \\ & \text{Costs} & & \text{Costs} & \text{SDC - Eligible} \\ & & & & \text{Costs} \end{array}$$

Table 4.1 presents the calculation of the net total SDC-eligible costs.

TABLE 4.1

NET RESIDENTIAL SDC-ELIGIBLE COSTS

	Residential SDC <u>Eligible Costs</u>
Growth-Required Facilities	\$8,995,521
PLUS: Compliance/Administrative Costs	<u>\$148,252</u>
EQUALS: Total Growth-Required Costs	\$9,143,774

B. Formula 4b: Residential Improvements Cost Per Capita

The residential improvements cost per capita is calculated by dividing the net residential SDC-eligible portion of growth-required improvements cost (identified in Table 4.1, page 13) by the increase in the City's population expected to be created by new development through 2008 (from Table 3.1, page 6).

$$\begin{array}{rcccl} & \text{Net Residential} & & & \text{Residential} \\ 4b. & \text{SDC-Eligible} & \div & \text{Population} & = \text{Improvements Cost} \\ & \text{Costs} & & \text{Increase} & \text{Per Capita} \end{array}$$

Table 4.2 presents the calculation of the facilities cost per capita.

TABLE 4.2

RESIDENTIAL IMPROVEMENTS COST PER CAPITA

	<u>Residential SDC Eligible Costs</u>		<u>Population Increase</u>		<u>Residential Improvements Cost Per Capita</u>
Net Residential SDC-Eligible Costs	\$9,143,774	÷	5,268	=	\$1,736

C. Formula 4c: Residential Improvements Cost Per Dwelling Unit

The residential improvements cost per dwelling unit is calculated by multiplying the average number of persons per dwelling unit (from Table 3.2, page 7) by the residential improvements cost per capita (from Table 4.2, above).

$$\begin{array}{rcccl} & & & \text{Residential} & \text{Residential} \\ 4c. & \text{Persons Per} & \times & \text{Improvements Cost} & = \text{Improvements Cost Per} \\ & \text{Dwelling Unit} & & \text{Per Capita} & \text{Dwelling Unit} \end{array}$$

The results of these calculations are displayed in Table 4.3, page 15.

TABLE 4.3**RESIDENTIAL IMPROVEMENTS COST PER DWELLING UNIT**

<u>Type of Dwelling Unit</u>	<u>Average Persons Per Dwelling Unit</u>	<u>X</u>	<u>Total Residential Cost Per Capita</u>	<u>=</u>	<u>Residential Improvements Cost Per Dwelling Unit</u>
Single-Family:	2.67		\$1,736		\$4,634
Multi-Family:	1.86		\$1,736		\$3,228
Manufactured Housing:	1.81		\$1,736		\$3,142

D. Formula 4d: Residential SDC Tax Credit Per Dwelling Unit

Debt instruments will likely be used as a future source for funding capacity improvements. A portion of funds used to repay these debts may come from property taxes paid by growth. A tax credit has been calculated to account for potential payments in order to avoid charging growth twice; once through the SDC, and a second time through property taxes. A credit has been calculated for each type of dwelling unit using the following assumptions:

- \$17.5M in 20 year G.O. bonds at 5.5 %, \$3.5M to be issued in 2007,
- 6.0% average annual increase in total City property valuation for taxes,
- 3.0% annual increase in assessed property valuations,
- 3.0% annual inflation (decrease in value of money),
- Average 2003 property valuations for new construction at \$250,000 for single family, \$60,000 for multi-family, and \$85,000 for manufactured housing units (\$75,000 for unit, \$10,000 for lot)

$$\begin{array}{rcl}
 \text{4d.} & \begin{array}{c} \text{Present Value} \\ \text{of Future Property} \\ \text{Tax Payments} \end{array} & = \begin{array}{c} \text{SDC Tax} \\ \text{Credit Per} \\ \text{Dwelling Unit} \end{array}
 \end{array}$$

The amounts of these credits are shown in Table 4.4, page 16.

TABLE 4.4

TAX CREDIT PER DWELLING UNIT

<u>Type of Dwelling Unit</u>	<u>Tax Credit Per Dwelling Unit</u>
Single-Family:	\$881
Multi-Family:	\$211
Manufactured Housing:	\$166

E. Formula 4e: Residential SDC Per Dwelling Unit

The residential SDC rate per dwelling unit is calculated by subtracting the tax credit per dwelling unit (Table 4.4, above) from the residential improvements cost per dwelling unit (Table 4.3, page 15).

$$\begin{array}{rcccl} & \text{Residential} & & \text{SDC Tax} & & \text{Residential} \\ 4e. & \text{Improvements Cost} & - & \text{Credit Per} & = & \text{SDC Per} \\ & \text{Per Dwelling Unit} & & \text{Dwelling Unit} & & \text{Dwelling Unit} \end{array}$$

The results of these calculations are shown in Table 4.5, below.

TABLE 4.5

RESIDENTIAL SDC PER DWELLING UNIT

<u>Type of Dwelling Unit</u>	<u>Residential Improvements Cost Per Dwelling Unit</u>	<u>-</u>	<u>SDC Tax Credit Per Dwelling Unit</u>	<u>=</u>	<u>Residential SDC Per Dwelling Unit</u>
Single-Family:	\$4,634		\$881		\$3,753
Multi-Family:	\$3,228		\$211		\$3,017
Manufactured Housing:	\$3,142		\$166		\$2,976

5.0 NON-RESIDENTIAL SDC RATES

The City's Non-Residential Parks and Recreation SDC rates are calculated using a series of sequential formulas which, when completed, yield the total SDC rates for each new employee added by new development in the City. The formulas identify:

- a) the Non-Residential Improvements Cost Per Employee (Formula 5a, below),
- b) the Tax Credit Per Employee (Formula 5b, page 18); and
- c) the Non-Residential SDC Per Employee (Formula 5c, page 18).

The Non-Residential SDC rates is an "improvement fee" only and does not include a "reimbursement fee" component. The SDC rates are based on costs required for and benefits received by new development only, and do not assume that costs are necessarily incurred for capital improvements when an employer hires an additional employee. SDCs are charged for the activity of development, not employment, and the non-residential parks SDCs are based the impacts new capacity for employees will have on the need for parks facilities.

A. Formula 5a: Net Non-Residential SDC Eligible Costs

The net non-residential SDC-eligible costs are calculated by adding the non-residential portion of growth-required improvements cost (identified in Table 3.8, page 11) and Compliance/Administrative Costs (Table 3.9, page 12).

$$\begin{array}{rcccl} \text{Non-Residential} & & \text{Compliance/} & & \text{Net Non-Residential} \\ \text{5a. New Facility} & + & \text{Administrative} & = & \text{SDC - Eligible} \\ \text{Costs} & & \text{Costs} & & \text{Costs} \end{array}$$

Table 5.1 presents the calculation of the net total SDC-eligible costs.

TABLE 5.1

NET RESIDENTIAL SDC-ELIGIBLE COSTS

	Non-Residential SDC <u>Eligible Costs</u>
Growth-Required Facilities	\$1,016,189
PLUS: Compliance/Administrative Costs	<u>\$16,748</u>
EQUALS: Total Growth-Required Costs	\$1,032,936

B. Formula 5b: Non-Residential Improvements Cost Per Employee

The Non-Residential Improvements Cost Per Employee is calculated by dividing the net non-residential SDC-eligible costs (from Table 5.1, page 17) by the increase in the City's employment expected to be created by new development through 2008 (from Table 3.1, page 6).

$$\begin{array}{rcccl} \text{5b.} & \text{Net Non-Residential} & & \text{Employment} & & \text{Non-Residential} \\ & \text{SDC-Eligible} & \div & \text{Increase From} & = & \text{Improvements Cost} \\ & \text{Costs} & & \text{Development} & & \text{Per Employee} \end{array}$$

Table 5.2 presents the calculation of the Non-Residential Improvements Cost Per Employee.

TABLE 5.2

NON-RESIDENTIAL IMPROVEMENTS COST PER EMPLOYEE

	Net Non-Residential SDC <u>Eligible Costs</u>		Employment <u>Increase</u>		Non- Residential Improvements Cost <u>Per Employee</u>
Growth-Required Facilities	\$1,032,936	÷	3,134	=	\$330

C. Formula 5c: Non-Residential Tax Credit Per Employee

Debt instruments will likely be used as a future source for funding capacity improvements. A portion of funds used to repay these debts may come from property taxes paid by growth. A tax credit has been calculated to account for potential payments in order to avoid charging growth twice; once through the SDC, and a second time through property taxes. A credit has been calculated for each type of dwelling unit using the following assumptions:

- \$17.5M in 20 year G.O. bonds at 5.5 %, \$3.5M to be issued in 2007,
- 6.0% average annual increase in total City property valuation for taxes,
- 3.0% annual increase in assessed property valuations,
- 3.0% annual inflation (decrease in value of money),
- Average 2003 property valuation for non-residential (office) development at \$45 per square foot,
- An average of 470 square feet per employee (retail)

$$\begin{array}{rcccl} \text{5c.} & \text{Present Value of} & & \text{Tax} & \\ & \text{Tax Payments Per} & = & \text{Credit Per} & \\ & \text{Employee} & & \text{Employee} & \end{array}$$

The amount of this credit is shown in Table 5.3, below.

TABLE 5.3

TAX CREDIT PER EMPLOYEE

		Tax Credit Per <u>Employee</u>
Present Value of Tax Payments	=	\$75

D. Formula 5d: Non-Residential SDC Per Employee

The non-residential SDC rate per employee is calculated by subtracting the tax credit per employee (from Table 5.3, above) from the improvements cost (Table 5.2, page 18).

5d.	Non-Residential Improvements Cost - Per Employee	SDC Tax Credit Per Employee	=	Non-Residential SDC Per Employee
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The results of these calculations are shown in Table 5.4, below.

TABLE 5.4

NON-RESIDENTIAL SDC PER EMPLOYEE

Improvements Cost Per <u>Employee</u>	-	Tax Credit Per <u>Employee</u>	=	Non-Residential SDC <u>Per Employee</u>
\$330		\$75		\$255

The parks and recreation SDC for a particular non-residential development is determined by:

- 1) dividing the total building space (square feet) in the development by the number of square feet per employee (from the guidelines in Table 5.5, page 20), and
- 2) multiplying the result (from step 1) by the Non-Residential SDC Per Employee (from Table 5.4, above).

For example, the parks and recreation SDC for a 40,000 square foot office building for services such as finance and real estate would be calculated as follows:

- 1) 40,000 (sq. ft. building size) ÷ 370 (sq. ft. per employee) = 108 employees,
- 2) 108 employees X \$255 (SDC rate) = \$27,540.

For non-residential development where more than one SIC may be used, multiple SICs may be applied based on their percentage of the total development.

TABLE 5.5

SQUARE FEET PER EMPLOYEE
(recommended guidelines from *Metro Employment Density Study*)

<u>Standard Industry Classification (SIC)*</u>		<u>Square Feet Per Employee</u>	<u>Standard Industry Classification (SIC)</u>		<u>Square Feet Per Employee</u>
1 - 19	Ag., Fish & Forest Services; Construction; Mining	590	37	Transportation Equipment	700
20	Food & Kindred Products	630	40 - 42,		
22,23	Textile & Apparel	930	44, 45, 47	Transportation and Warehousing	3,290
24	Lumber & Wood	640	43, 46, 48,		
25, 32,			49	Communications and Public Utilities	460
39	Furniture; Clay, Stone, & Glass; Misc.	760	50, 51	Wholesale Trade	1,390
			52 - 59	Retail Trade	470
26	Paper and Allied	1,600	60 - 68	Finance, Insurance & Real Estate	370
27	Printing, Publishing & Allied	450	70 - 79	Non-Health Services	770
28 - 31	Chemicals, Petroleum, Rubber, Leather	720	80	Health Services	350
33, 34	Primary & Fabricated Metals	420	81 - 89	Educational, Social, Membership Services	740
35	Machinery Equipment	300	90 - 99	Government	530
36, 38	Electrical Machinery, Equipment	400			

* Source: U.S. Department of Commerce Standard Industrial Classification Manual

6.0 ANNUAL RATE ADJUSTMENTS

City of Tigard Resolution No. 01-13 provides for annual adjustments to parks SDC rates to account for changes in the costs of acquiring and constructing parks facilities. The SDC rate adjustment is based on two factors: (1) the change in average market value of residential land in Washington County, and (2) the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index. The weight given to each factor should be modified as needed to reflect the portion each factor represents of total costs in the Parks Capacity Improvements Plan (Appendix A).

APPENDIX A

SDC PARKS CAPACITY IMPROVEMENTS PROGRAM							page 1 of 5	
City of Tigard							draft as of 11/09/04	
Parks and Recreation Facilities								
2004 - 2008								
		TOTAL	%	SDC-ELIGIBLE	%	OTHER	PROJECT	
		PROJECT	GROWTH	PORTION	OTHER	PORTION	FUNDING	
	PROJECT	YRS	COST	NEED	OF TOTAL COST	NEED	OF TOTAL COST	
NEIGHBORHOOD PARKS								
1	Bull Mountain Neighborhood Park Site Acquisition - acquire approximately 3 acres for a neighborhood park to meet growth and non-growth needs in Bull Mountain.	04-08	\$750,000	40%	\$299,250	60%	\$450,750	SDC, Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
2	Bull Mountain Neighborhood Park Site Acquisition - acquire approximately 3 acres for a neighborhood park to meet growth and non-growth needs in Bull Mountain.	04-08	\$750,000	40%	\$299,250	60%	\$450,750	SDC, Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
3	Bull Mountain Neighborhood Park Site Acquisition - acquire approximately 3 acres for a neighborhood park to meet growth and non-growth needs in Bull Mountain.	04-08	\$750,000	40%	\$299,250	60%	\$450,750	SDC, Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
4	Bull Mountain Neighborhood Park Development - develop a neighborhood park of approximately 3 acres to meet growth and non-growth needs in Bull Mountain.	04-08	\$480,000	40%	\$191,520	60%	\$288,480	SDC, Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
5	Bull Mountain Neighborhood Park Development - develop a neighborhood park of approximately 3 acres to meet growth and non-growth needs in Bull Mountain.	04-08	\$480,000	40%	\$191,520	60%	\$288,480	SDC, Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
6	Bull Mountain Neighborhood Park Development - develop a neighborhood park of approximately 3 acres to meet growth and non-growth needs in Bull Mountain.	04-08	\$480,000	40%	\$191,520	60%	\$288,480	SDC, Grants, Donations Bonds, Partnerships, LI Sponsorships, Other

APPENDIX A

SDC PARKS CAPACITY IMPROVEMENTS PROGRAM							page 2 of 5	
City of Tigard							draft as of 11/09/04	
Parks and Recreation Facilities								
2004 - 2008								
		TOTAL	%	SDC-ELIGIBLE	%	OTHER	PROJECT	
		PROJECT	GROWTH	PORTION	OTHER	PORTION	FUNDING	
	PROJECT	YRS	COST	NEED	OF TOTAL COST	NEED	OF TOTAL COST	SOURCES
NEIGHBORHOOD PARKS								
7	Neighborhood Park Site Acquisition - acquire approximately 3 acres for a neighborhood park to meet non-growth needs in the City.	04-08	\$750,000	0%	\$0	100%	\$750,000	Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
8	Neighborhood Park Site Acquisition - acquire approximately 3 acres for a neighborhood park to meet non-growth needs in the City.	04-08	\$750,000	0%	\$0	100%	\$750,000	Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
9	Neighborhood Park Site Acquisition - acquire approximately 3 acres for a neighborhood park to meet non-growth needs in the City.	04-08	\$750,000	0%	\$0	100%	\$750,000	Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
10	Neighborhood Park Site Acquisition - acquire approximately 2.74 acres for a neighborhood park to meet non-growth needs in the City.	04-08	\$685,000	0%	\$0	100%	\$685,000	Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
11	Neighborhood Park Site Development - develop a neighborhood park of approximately 3 acres to meet non-growth needs in the City.	04-08	\$480,000	0%	\$0	100%	\$480,000	Grants, Donations Bonds, Partnerships, LI Sponsorships, Other
12	Neighborhood Park Site Development - develop a neighborhood park of approximately 3 acres to meet non-growth needs in the City.	04-08	\$480,000	0%	\$0	100%	\$480,000	Grants, Donations Bonds, Partnerships, LI Sponsorships, Other

APPENDIX A

SDC PARKS CAPACITY IMPROVEMENTS PROGRAM								page 3 of 5
City of Tigard								draft as of 11/09/04
Parks and Recreation Facilities								
2004 - 2008								
		TOTAL	%	SDC-ELIGIBLE	%	OTHER	PROJECT	
		PROJECT	GROWTH	PORTION	OTHER	PORTION	FUNDING	
	PROJECT	YRS	COST	NEED	OF TOTAL COST	NEED	OF TOTAL COST	SOURCES
NEIGHBORHOOD PARKS								
13	Neighborhood Park Site Development	04-08	\$480,000	0%	\$0	100%	\$480,000	Grants, Donations
	- develop a neighborhood park of approximately 3 acres							Bonds, Partnerships, LI
	to meet non-growth needs in the City.							Sponsorships, Other
14	Neighborhood Park Site Development	04-08	\$438,400	0%	\$0	100%	\$438,400	Grants, Donations
	- develop a neighborhood park of approximately 2.74 acres							Bonds, Partnerships, LI
	to meet non-growth needs in the City.							Sponsorships, Other
COMMUNITY PARKS								
15	Bull Mountain Community Park Site Acquisition	04-08	\$5,000,000	54%	\$2,710,000	46%	\$2,290,000	SDC, Grants, Donations
	- acquire approximately 20 acres for a Community Park							Bonds, Partnerships, LI
	to meet growth (10.84) and non-growth (9.16)							Sponsorships, Other
	needs in Bull Mountain.							
16	Bull Mountain Community Park Development	04-08	\$3,800,000	54%	\$2,059,600	46%	\$1,740,400	SDC, Grants, Donations
	- develop a community park of about 20 acres in size							Bonds, Partnerships, LI
	to meet growth (10.84) and non-growth (9.16)							Sponsorships, Other
	needs in Bull Mountain.							

APPENDIX A

SDC PARKS CAPACITY IMPROVEMENTS PROGRAM							page 5 of 5
City of Tigard							draft as of 11/09/04
Parks and Recreation Facilities							
2004 - 2008							
		TOTAL	%	SDC-ELIGIBLE	%	OTHER	
		PROJECT	GROWTH	PORTION	OTHER	PORTION	
PROJECT	YRS	COST	NEED	OF TOTAL COST	NEED	OF TOTAL COST	
TOTALS		\$26,775,000	37.39%	\$10,011,710	62.61%	\$16,763,290	
Neighborhood Parks		\$8,503,400	17.31%	\$1,472,310	82.69%	\$7,031,090	
Community Parks		\$8,800,000	54.20%	\$4,769,600	45.80%	\$4,030,400	
Greenways		\$6,175,000	40.93%	\$2,527,200	59.07%	\$3,647,800	
Trails		\$2,657,200	22.70%	\$603,200	77.30%	\$2,054,000	
Linear Parks		\$639,400	100.00%	\$639,400	0.00%	\$0	
Totals		\$26,775,000	37.39%	\$10,011,710	62.61%	\$16,763,290	

APPENDIX A

[illegible]

Don Ganer & Associates, Inc.

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Fax: (503) 645-8543
DGaner@GanerAssociates.com

November 9, 2004

Mr. Dan Plaza, Parks Manager
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

RE: Recommendation for Resolving HBA Issues Regarding Parks SDC Update

Dear Dan:

Following are the issues and recommendations we discussed at our meeting on November 2, 2004 to resolve HBA issues identified during our October 27, 2004 meeting with Tim Roth and Ernie Platt.

1. HBA inquired about the source of projects included in CIP list - the HBA requested copies of the adopted Tigard Park System Master Plan and the Bull Mountain Annexation White Paper on Parks and Open Spaces.

RECOMMENDED RESOLUTION: Staff will provide copies of these documents to HBA.

2. HBA was concerned with both the number of acres and the total estimated cost for Greenways - HBA suggested these numbers could be reduced if private buffers and/or tree mitigation requirements are considered as greenways.

RECOMMENDED RESOLUTION: Staff said that City residents have consistently expressed a desire to increase the amount of greenspace in the City, so reducing the acreage included in the SDC calculations is not recommended. Developers are allowed to receive credits against the parks SDCs for the donation of greenways, and these donations reduce the SDC costs for developers. Staff estimates that the parks development cost for trees is approximately \$6,000 to \$10,000 per acre. Staff recommends that the City review the impact on the proposed SDC rates if the costs per acre for greenways and for park development were reduced by \$10,000 to account for tree mitigation requirements. The impacts of these changes on the parks SDC rates are shown on the following page.

Mr. Dan Plaza
November 9, 2004
page 2

IMPACTS OF \$10,000 PER ACRE COST
REDUCTION ON PROPOSED PARKS SDC RATES

	SDC Rates in Draft <u>9/22/04 Report</u>	SDC Rates with a \$10,000 <u>per acre Cost Reduction</u>
Single Family	\$3,893	\$3,753
Multi-Family	\$3,126	\$3,017
Manufactured Housing	\$3,083	\$2,976
Employee	\$265	\$255

Please let me know if you have questions or need any additional information.

Sincerely,



Don Ganer, President
Don Ganer & Associates, Inc.

AGENDA ITEM # 7
FOR AGENDA OF 12/14/2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: MEASURE 37: AN AMENDMENT TO ORDINANCE 04-12, PROVIDING A
PROCESS FOR CONSIDERATION OF WRITTEN DEMANDS FOR COMPENSATION UNDER 2004
BALLOT MEASURE 37

PREPARED BY: Jim Hendryx DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Adoption of an ordinance amending Ordinance 04-12 providing a process for consideration of written demands for compensation under 2004 Ballot Measure 37, adding a new chapter to the Tigard Municipal Code and declaring an emergency.

STAFF RECOMMENDATION

Hold public hearing and adopt ordinance amending Ordinance 04-12.

INFORMATION SUMMARY

On November 23, 2004, the City Council conducted a public hearing on adoption of an ordinance providing a process for consideration of written demands of compensation under 2004 Ballot Measure 37. Council adopted the ordinance (Ordinance 04-12) with direction to the City Attorney and staff to make revisions to Exhibit A, including the requirement for a deposit and submittal information. In order to carry out Council's direction, it is necessary to adopt an ordinance, amending Ordinance 04-12 along with a revised Exhibit A. The amended ordinance and Exhibit A carries out Council's direction.

Several jurisdictions have included a provision for actions by neighboring property owners. A separate ordinance and Exhibit A has been attached for Council's consideration. If the Council's approval of a claim by waiving the enforcement of a regulation causes a reduction in value of other property located in the vicinity of the claimant, these property owners would have the right to maintain an action in State Circuit Court to recover from the claimant the amount of the reduction. The nearby property owners, if successful, would also be entitled to an award of reasonable attorney fees.

Oregon municipalities, including Tigard, have developed a sound system of land use planning, which includes regulations that, in some cases, restrict the uses that can be made of property. These restrictions on use of property have both served the public interest and increased property values by allowing the City to develop a harmonious way avoiding incompatible uses and assuring appropriate development. The voters of the state adopted Ballot Measure 37 in the November 2004 election adding new sections to ORS Chapter 197, which provide that local governments may pay compensation to property owners for reductions in property values, or may waive restrictions as an alternative of payment resulting from land use regulations that restrict uses of the property. Some property owners may believe that existing or future land use regulations, as applied to their

property, both restrict use of the property and reduce the fair market value of the property and consequently may bring claims under Measure 37. Ballot Measure 37 explicitly allows local governments to develop procedures for assessing claims made under Measure 37.

Working in conjunction with the City Attorney's office, an ordinance has been drafted to address Measure 37 claims. The Tigard Municipal Code would be amended by repealing the existing Chapter 1.20 and replacing it with a new Chapter 1.20. Because this ordinance is necessary for the preservation of the health, safety, and welfare of the City and is needed to provide a process for claims by December 2, 2004, an emergency is declared to exist and this ordinance shall be in full force and effect on December 2, 2004.

OTHER ALTERNATIVES CONSIDERED

Delay consideration of ordinance or make modifications to the ordinance.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable

ATTACHMENT LIST

Attachment 1:	Memo to Council Dated December 1, 2004
Attachment 2 (a):	Proposed ordinance providing a process for consideration of written demands for compensation under 2004 Ballot Measure 37, adding a new chapter to the Tigard Municipal Code and declaring an emergency.
Attachment 2 (b):	Proposed ordinance providing a process for consideration of written demands for compensation under 2004 Ballot Measure 37, adding a new chapter to the Tigard Municipal Code and declaring an emergency, including provision for actions by neighboring property owners.

FISCAL NOTES

No funds have been identified to either pay demands for compensation or pay for processing Measure 37 claims.



MEMORANDUM

CITY OF TIGARD

TO: City Council

FROM: Jim Hendryx

DATE: December 1, 2004

SUBJECT: An Ordinance Amending Ordinance 04-12 Providing a Process for Consideration of Claims for Compensation Under 2004 Ballot Measure 37, Adding a New Chapter 1.20 to the Tigard Municipal Code, and Declaring an Emergency.

On November 23, 2004, the City Council conducted a public hearing on adoption of an ordinance providing a process for consideration of written demands of compensation under 2004 Ballot Measure 37. Council adopted the ordinance (04-12) with direction to the City Attorney and staff to make revisions to Exhibit A, including the requirement for a deposit and submittal information. In order to carry out Council's direction, it is necessary to adopt an ordinance, amending Ordinance 04-12 along with a revised Exhibit A. The amended Ordinance and Exhibit A carries out Council's direction.

Several jurisdictions have included a provision for actions by neighboring property owners. A separate ordinance and Exhibit A have been attached for Council's consideration. If the Council's approval of a claim by waiving the enforcement of a regulation causes a reduction in value of other property located in the vicinity of the claimant, these property owners would have the right to maintain an action in state circuit court to recover from the claimant the amount of the reduction. The nearby property owners, if successful, would be entitled to an award of reasonable attorney fees.

Cities and counties, including Tigard, are required to have comprehensive plans and implementing ordinances (zoning). The voters of the state adopted Ballot Measure 37 in the November 2004 election adding new sections to ORS Chapter 197, which provide that local governments may pay compensation to property owners for reductions in property values, or may waive restrictions as an alternative of payment resulting from land use regulations that restrict uses of the property. Some property owners may believe that existing or future land use regulations as applied to their property both restrict use of the property and reduce the fair market value of the property and consequently may bring claims under Measure 37. Ballot Measure 37 explicitly allows local governments to develop procedures for assessing claims made under Measure 37.

Working in conjunction with the City Attorney's office, an ordinance has been drafted to address Measure 37 claims. The Tigard Municipal Code would be amended by repealing the existing

Chapter 1.20 and replacing it with a new Chapter 1.20. Because this ordinance is necessary for the preservation of the health, safety, and welfare of the City and is needed to provide a process for claims by December 2, 2004, an emergency is declared to exist and this ordinance shall be in full force and effect on December 2, 2004.

Jurisdictions throughout the state are taking different approaches to dealing with the measure. This ordinance may need further revisions over time since we are only beginning to understand the requirements of Measure 37.

CITY OF TIGARD
ORDINANCE NO. 04-____

AN ORDINANCE AMENDING ORDINANCE 04-12 PROVIDING A PROCESS FOR CONSIDERATION OF CLAIMS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE, AND DECLARING AN EMERGENCY.

WHEREAS, on November 23, 2004, the City Council adopted Ordinance No. 04-02 without incorporating the written Exhibit A that had been distributed and directed that a revised Exhibit A be prepared to include specific changes; and

WHEREAS, a revised Exhibit A has been prepared that includes the changes requested by the Council; now, therefore;

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Ordinance 04-12 is hereby amended by adding an Exhibit A to that ordinance in the form of the attached Exhibit A. The Tigard Municipal Code is consequently amended as provided in Ordinance 04-12 and Exhibit A.

SECTION 2: Because this ordinance is necessary for the preservation of the health, safety and welfare of the City, an emergency is declared to exist and this ordinance shall be in full force and effect immediately on passage.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2004.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2004.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

EXHIBIT A
TO CITY OF TIGARD ORDINANCE NO. _____

PROVIDING A PROCESS FOR CONSIDERATION OF CLAIMS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, ADDING A NEW CHAPTER TO THE TIGARD MUNICIPAL CODE.

Chapter 1.20 Compensation for Reduction in Property Value

1.20.010 Purpose

The purpose of this Chapter is to provide procedures and standards for claims for compensation made pursuant to 2004 Measure 37.

1.20.020 Definitions

As used in this chapter, unless the context requires otherwise:

“Affected property” means the private real property that is alleged to have suffered a reduction in fair market value as result of the City’s regulation restricting the use of that property and for which a property owner seeks compensation for the reduction in value.

“Claimant” means the property owner who submits a claim for compensation under Measure 37 in accordance with Section 1.20.030.

"Decision Maker" means the City Council or any person, board, commission, or other entity to whom the Council has delegated authority to make decisions on Measure 37 claims.

“Regulation” shall mean a provision of the City’s comprehensive plan, Community Development Code and transportation ordinances.

“Restricts the use of property” means prohibiting a particular use of the property or making that use only permissible under certain conditions. Regulations requiring or setting fees to be charged are not restrictions on the use of property.

“Manager” means City Manager or designee.

1.20.030 Claims

A. A property owner wishing to make a claim against the City under Measure 37 shall first submit a written claim to the City. A claim under Measure must be in writing and include:

1. Identification of the affected property. Identification may be by street address, subdivision lot number, tax lot number, or any other information that identifies the property.
2. The name and contact information of the person making the claim, the date the Claimant acquired the property, and, if applicable, the date that a family member of Claimant acquired the property and the names and relationships of family members that are previous owners.
3. A list of all persons with an ownership interest in or a lien on the property.
4. Identification of the regulation that is alleged to restrict the use of the affected property and a statement describing how the restriction affects the value of the property.
5. A statement whether the Claimant prefers compensation or a waiver, suspension or modification of the regulation, and a statement describing the extent to which the regulation would need to be waived, suspended or modified to avoid the need for compensation. A description of the proposed use must be provided.
6. The amount claimed as compensation and documentation supporting the amount. The documentation shall include a market analysis, an appraisal, or other documentation at least equivalent to a market analysis.
7. The name and contact information of the Claimant's authorized representative or representatives, if applicable.

1.20.040 Notice

The City shall provide notice of the hearing required by Section 1.20.070 to all owners of the property, lien holders and security interest holders, record owners of property within 500 feet of the property, recognized community participation organizations for the area the property is located, and anyone who has requested notice at least 7 days before the hearing. The notice shall identify the property, state the date, time and place of the hearing, state the amount of the claim or statement describing the extent to which the regulations would need to be waived or suspended, the City contact person and phone number, advise of the availability of the staff report and summarize the hearing procedures and nature of the claim. Failure of any person to receive notice or any defect in the notice shall not invalidate any action taken or decision made at the hearing.

1.20.050 Staff Report

City staff shall prepare a report analyzing the claim. The staff report may be reviewed by the Community Development Director, Finance Director, and Manager before being submitted to the Decision Maker.

The staff report shall be submitted to the Decision Maker, mailed to the Claimant, and made available to the public at least 7 days before the public hearing required by Section 1.20.070.

1.20.060 Decision Maker Proceedings

The Decision Maker shall hold a public hearing on the claim. The public hearing should normally be set within 150 days of submission of the claim but may be set at any time. The Decision Maker may hold an executive session on the claim at any time.

1.20.070 Public Hearing

The Claimant and any other person shall be provided a reasonable opportunity to present evidence and argument at the public hearing. The Decision Maker may limit the duration of testimony.

1.20.080 Decision Maker Decision

In deciding the claim, the Decision Maker may take any of the following actions:

1. Deny the claim based on any one or more of the following findings:
 - a. The regulation does not restrict the use of the private real property,
 - b. The fair market value of the property is not reduced by the passage or enforcement of the regulation.
 - c. The claim was not timely filed.
 - d. The Claimant is not the current property owner.
 - e. The Claimant or family member of Claimant was not the property owner at the time the regulation was adopted.
 - f. The regulation is a historically and commonly recognized nuisance law or a law regulating pornography or nude dancing.
 - g. The regulation is required by federal law.
 - h. The regulation protects public health and safety.
 - i. The City is not the entity responsible for payment. The City is not responsible if the challenged law, rule, ordinance, resolution, goal or other enactment was not enacted or enforced by the City.

- j. The City has not taken final action to enforce or apply the regulation to the property for which compensation is claimed.
 - k. The Claimant is not legally entitled to compensation for a reason other than those listed in subsections a through g. The basis for this finding must be clearly explained.
 - l. The City has not established a fund for payment of claims under Measure 37.
- 2. Pay compensation, either in the amount requested or in some other amount supported by the evidence. If the City pays compensation, the City shall continue to apply and enforce the regulation. Any compensation shall be paid from funds appropriated for that purpose. The City may require any person receiving compensation to sign a waiver of future claims for compensation under Measure 37 and the City may record that waiver with the County Recorder.
 - 3. Waive or not apply the regulation to allow the owner to use the property for a use permitted at the time the Claimant acquired the property.
 - 4. Modify the regulation so that it does not give rise to a claim for compensation. Any such modification shall be for the specific property only unless the City follows the procedure for a legislative land use decision.
 - 5. Conditionally waive or suspend the regulation subject to receipt of a defined amount of contributions toward compensation by a specified date from persons opposed to the waiver or suspension, such as persons who believe they would be negatively affected by waiver or suspension, with the waiver or suspension being granted if the defined amount of contributions is not received by the specified date. If the contributions are received, compensation shall be paid within 180 days of the date the claim was filed. The specified date shall allow the City time to process the contributions and pay compensation.

The Decision Maker may take other actions it deems appropriate in individual circumstances, may modify the listed actions, and/or may combine the listed actions, consistent with Measure 37. The Decision Maker may negotiate an acceptable solution with the Claimant or may direct staff to negotiate with the Claimant. In the event that the Decision Maker directs staff to negotiate, the matter shall be set for further action by the Decision Maker no less than 175 days from the date of the notice of claim became complete. The Council shall take final action within 180 days of the claim. The Decision Maker shall take actions 2 through 5 only if it determines the claim is valid.

A decision by a Decision Maker other than Council shall not be a final decision, but shall be a recommendation to Council.

1.20.090 Delegation of Authority and City Council Review

The Council may delegate authority to act as a Decision Maker to any person, board, commission or other entity by motion, resolution or ordinance. The Council shall review all recommendations of the Decision Maker and make the final decision. If a Decision Maker other than Council has made a recommendation to Council, Council may act on the recommendation by motion or order without a Council hearing. The Council may approve recommendations on its consent agenda.

1.20.100 Authority

The City Council shall have the authority to take the actions listed in Section 1.20.080, including the authority to waive or suspend any provision of any City code, ordinance or resolution, notwithstanding any inconsistent provision in this code or the Community Development Code. The City may retain an appraiser to assist the Decision Maker or Council determination.

1.20.110 Deposit and Responsibility for Costs

The Claimant shall provide a deposit of \$1,000 at the time the claim is filed with the City. If the claim is determined to be valid, the City shall refund the entire deposit. If a claim is denied and ultimately determined to be invalid, the Claimant shall reimburse the City for the costs the City incurred in processing the claim. If the amount of reimbursement exceeds the cost of deposit, the Claimant shall pay any additional amounts within 30 days of a demand by the City for full reimbursement. If the amount of reimbursement is less than the deposit, the City shall refund the difference to the Claimant. The City shall provide an invoice detailing its costs when demanding additional reimbursement or providing a partial refund.

1.20.120 Severability

If any section, phrase, clause, or part of this Chapter is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

CITY OF TIGARD
ORDINANCE NO. 04-__

AN ORDINANCE AMENDING ORDINANCE 04-12 PROVIDING A PROCESS FOR CONSIDERATION OF CLAIMS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE, AND DECLARING AN EMERGENCY.

WHEREAS, on November 23, 2004, the City Council adopted Ordinance No. 04-02 without incorporating the written Exhibit A that had been distributed and directed that a revised Exhibit A be prepared to include specific changes; and

WHEREAS, a revised Exhibit A has been prepared that includes the changes requested by the Council; now, therefore;

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Ordinance 04-12 is hereby amended by adding an Exhibit A to that ordinance in the form of the attached Exhibit A. The Tigard Municipal Code is consequently amended as provided in Ordinance 04-12 and Exhibit A.

SECTION 2: Because this ordinance is necessary for the preservation of the health, safety and welfare of the City, an emergency is declared to exist and this ordinance shall be in full force and effect immediately on passage.

PASSED: By _____ vote of all Council members present after being read by number and title only, this ____ day of _____, 2004.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this ____ day of _____, 2004.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

EXHIBIT A
TO CITY OF TIGARD ORDINANCE NO. _____

PROVIDING A PROCESS FOR CONSIDERATION OF CLAIMS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, INCLUDING A PROVISION FOR ACTION BY NEIGHBORING PROPERTY OWNERS, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE.

Chapter 1.20 Compensation for Reduction in Property Value

1.20.010 Purpose

The purpose of this Chapter is to provide procedures and standards for claims for compensation made pursuant to 2004 Measure 37.

1.20.020 Definitions

As used in this chapter, unless the context requires otherwise:

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“Decision Maker” means the City Council or any person, board, commission, or other entity to whom the Council has delegated authority to make decisions on Measure 37 claims.

“Regulation” shall mean a provision of the City’s comprehensive plan, Community Development Code and transportation ordinances.

“Restricts the use of property” means prohibiting a particular use of the property or making that use only permissible under certain conditions. Regulations requiring or setting fees to be charged are not restrictions on the use of property.

“Manager” means City Manager or designee.

1.20.030 Claims

A. A property owner wishing to make a claim against the City under Measure 37 shall first submit a written claim to the City. A claim under Measure must be in writing and include:

1. Identification of the affected property. Identification may be by street address, subdivision lot number, tax lot number, or any other information that identifies the property.
2. The name and contact information of the person making the claim, the date the Claimant acquired the property, and, if applicable, the date that a family member of Claimant acquired the property and the names and relationships of family members that are previous owners.
3. A list of all persons with an ownership interest in or a lien on the property.
4. Identification of the regulation that is alleged to restrict the use of the affected property and a statement describing how the restriction affects the value of the property.
5. A statement whether the Claimant prefers compensation or a waiver, suspension or modification of the regulation, and a statement describing the extent to which the regulation would need to be waived, suspended or modified to avoid the need for compensation. A description of the proposed use must be provided.
6. The amount claimed as compensation and documentation supporting the amount. The documentation shall include a market analysis, an appraisal, or other documentation at least equivalent to a market analysis.
7. The name and contact information of the Claimant's authorized representative or representatives, if applicable.

1.20.040 Notice

The City shall provide notice of the hearing required by Section 1.20.070 to all owners of the property, lien holders and security interest holders, record owners of property within 500 feet of the property, recognized community participation organizations for the area the property is located, and anyone who has requested notice at least 7 days before the hearing. The notice shall identify the property, state the date, time and place of the hearing, state the amount of the claim or statement describing the extent to which the regulations would need to be waived or suspended, the City contact person and phone number, advise of the availability of the staff report and summarize the hearing procedures and nature of the claim. Failure of any person to receive notice or any defect in the notice shall not invalidate any action taken or decision made at the hearing.

1.20.050 Staff Report

City staff shall prepare a report analyzing the claim. The staff report may be reviewed by the Community Development Director, Finance Director, and Manager before being submitted to the Decision Maker.

The staff report shall be submitted to the Decision Maker, mailed to the Claimant, and made available to the public at least 7 days before the public hearing required by Section 1.20.070.

1.20.060 Decision Maker Proceedings

The Decision Maker shall hold a public hearing on the claim. The public hearing should normally be set within 150 days of submission of the claim but may be set at any time. The Decision Maker may hold an executive session on the claim at any time.

1.20.070 Public Hearing

The Claimant and any other person shall be provided a reasonable opportunity to present evidence and argument at the public hearing. The Decision Maker may limit the duration of testimony.

1.20.080 Decision Maker Decision

In deciding the claim, the Decision Maker may take any of the following actions:

1. Deny the claim based on any one or more of the following findings:
 - a. The regulation does not restrict the use of the private real property,
 - b. The fair market value of the property is not reduced by the passage or enforcement of the regulation.
 - c. The claim was not timely filed.
 - d. The Claimant is not the current property owner.
 - e. The Claimant or family member of Claimant was not the property owner at the time the regulation was adopted.
 - f. The regulation is a historically and commonly recognized nuisance law or a law regulating pornography or nude dancing.
 - g. The regulation is required by federal law.
 - h. The regulation protects public health and safety.
 - i. The City is not the entity responsible for payment. The City is not responsible if the challenged law, rule, ordinance, resolution, goal or other enactment was not enacted or enforced by the City.

- j. The City has not taken final action to enforce or apply the regulation to the property for which compensation is claimed.
 - k. The Claimant is not legally entitled to compensation for a reason other than those listed in subsections a through g. The basis for this finding must be clearly explained.
 - l. The City has not established a fund for payment of claims under Measure 37.
2. Pay compensation, either in the amount requested or in some other amount supported by the evidence. If the City pays compensation, the City shall continue to apply and enforce the regulation. Any compensation shall be paid from funds appropriated for that purpose. The City may require any person receiving compensation to sign a waiver of future claims for compensation under Measure 37 and the City may record that waiver with the County Recorder.
 3. Waive or not apply the regulation to allow the owner to use the property for a use permitted at the time the Claimant acquired the property.
 4. Modify the regulation so that it does not give rise to a claim for compensation. Any such modification shall be for the specific property only unless the City follows the procedure for a legislative land use decision.
 5. Conditionally waive or suspend the regulation subject to receipt of a defined amount of contributions toward compensation by a specified date from persons opposed to the waiver or suspension, such as persons who believe they would be negatively affected by waiver or suspension, with the waiver or suspension being granted if the defined amount of contributions is not received by the specified date. If the contributions are received, compensation shall be paid within 180 days of the date the claim was filed. The specified date shall allow the City time to process the contributions and pay compensation.

The Decision Maker may take other actions it deems appropriate in individual circumstances, may modify the listed actions, and/or may combine the listed actions, consistent with Measure 37. The Decision Maker may negotiate an acceptable solution with the Claimant or may direct staff to negotiate with the Claimant. In the event that the Decision Maker directs staff to negotiate, the matter shall be set for further action by the Decision Maker no less than 175 days from the date of the notice of claim became complete. The Council shall take final action within 180 days of the claim. The Decision Maker shall take actions 2 through 5 only if it determines the claim is valid.

A decision by a Decision Maker other than Council shall not be a final decision, but shall be a recommendation to Council.

1.20.090 Delegation of Authority and City Council Review

The Council may delegate authority to act as a Decision Maker to any person, board, commission or other entity by motion, resolution or ordinance. The Council shall review all recommendations of the Decision Maker and make the final decision. If a Decision Maker other than Council has made a recommendation to Council, Council may act on the recommendation by motion or order without a Council hearing. The Council may approve recommendations on its consent agenda.

1.20.100 Action by Neighboring Property Owners

If a Claim results in a waiver of enforcement of a regulation and the development allowed by the waiver causes a reduction in value of other property located in the vicinity of the Claimant, those property owners shall have the right to maintain an action against the Claimant in state circuit court to recover the amount of the reduction. The nearby property owners, if successful, shall be entitled to an award of reasonable attorney fees. This section does not create a right of action against the City.

1.20.110 Authority

The City Council shall have the authority to take the actions listed in Section 1.20.080, including the authority to waive or suspend any provision of any City code, ordinance or resolution, notwithstanding any inconsistent provision in this code or the Community Development Code. The City may retain an appraiser to assist the Decision Maker or Council determination.

1.20.120 Deposit and Responsibility for Costs

The Claimant shall provide a deposit of \$1,000 at the time the claim is filed with the City. If the claim is determined to be valid, the City shall refund the entire deposit. If a claim is denied and ultimately determined to be invalid, the Claimant shall reimburse the City for the costs the City incurred in processing the claim. If the amount of reimbursement exceeds the cost of deposit, the Claimant shall pay any additional amounts within 30 days of a demand by the City for full reimbursement. If the amount of reimbursement is less than the deposit, the City shall refund the difference to the Claimant. The City shall provide an invoice detailing its costs when demanding additional reimbursement or providing a partial refund.

1.20.130 Severability

If any section, phrase, clause, or part of this Chapter is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Annexation of properties with two options: (1) – Arbor Summit I & II and (2) Arbor Summit I & II plus other adjacent properties.

PREPARED BY: Mathew Scheidegger DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Should the City Council approve one of the two proposed annexation options?

STAFF RECOMMENDATION

Staff recommends annexation of Arbor Summit I & II and other adjacent properties totaling 36.1 acres (Option #1).

INFORMATION SUMMARY

West Hills Development applied for approval to subdivide property on Bull Mountain Road, known as Arbor Summit I and II. The subdivision's approval included a condition of approval requiring annexation. West Hills applied for annexation of two parcels (Arbor Summit I and II) equaling 8.9 acres.

According to ORS 222.170, the City may include any contiguous property to the land proposed to be annexed if a majority of the owners of more than one half of the land in that territory consent in writing to the annexation. The Bella Vista Subdivision (SUB2002-00007) submitted a consent for annexation of 9.29 acres of land for which they received subdivision approval. Combined, Arbor Summit and Bella Vista total 18.19 acres.

Summit Ridge, a subdivision approved in 2004 lies between Arbor Summit and Bella Vista. Summit Ridge was required to annex at the time of final plat approval. Summit Ridge is contiguous to both Arbor Summit and Bella Vista. With the double majority process allowed by ORS 222.170, additional property can be added to the Arbor Summit and Bella Vista Subdivisions. Staff suggests adding 17.91 acres of parcels from the Summit Ridge Subdivision. Since there are no electors involved, the additional Summit Ridge land can be added under the double majority process. Adding Bella Vista and Summit Ridge to the annexation creates a more complete annexation.

Staff has presented the Council with two options for annexation. One is for Arbor Summit I and II. The other, as recommended by staff, includes the Bella Vista and a portion of the Summit Ridge Subdivision, along with Arbor Summit I & II.

Option #1

Approve the annexation of eight (8) parcels of approximately 36.1 acres into the City of Tigard through the double majority process.

Option #2

Approve the original annexation request of the two parcels of the Arbor Summit I and II Subdivision.

OTHER ALTERNATIVES CONSIDERED

Deny the request.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Management Goal #2: Urban Services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

ATTACHMENT LIST

Attachment 1: Ordinance Option #1

Exhibit A: Legal Description

Exhibit B: Vicinity Map

Attachment 2: Ordinance Option #2

Exhibit A: Legal Description

Exhibit B: Vicinity Map

Attachment 3: Staff Report to the City Council

FISCAL NOTES

Application fees and appeal fees have been paid by the applicant.

CITY OF TIGARD, OREGON

ORDINANCE NO. 2004-_____

AN ORDINANCE ANNEXING 36.1 ACRES, APPROVING ARBOR SUMMIT ANNEXATION AND OTHER ADJACENT PROPERTIES (ZCA2004-00001), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on December 14, 2004 to consider the annexation of eight (8) parcels of land consisting of 36.1 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District on December 14, 2004; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the current zoning district is R-7, an existing City zone that has been adopted by the County and the zoning after annexation would remain R-7 so that no zone change is necessary; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcels described in the attached **Exhibit "A"** and shown in **Exhibit "B"** and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 3: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 4: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District shall be the effective date of this annexation.

SECTION 5: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2005.

SECTION 6: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2004.

Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2004.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

ANNEXATION DESCRIPTION

A tract of land situated in the Section 9, Township 2 South Range 1 West Willamette Meridian described as follows:

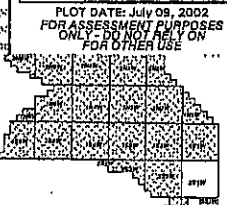
Beginning at the northwest corner of the subdivision plat of Arlington Heights being on the southerly right-of-way of SW Bull Mountain Road; thence N 01° 57' 48" E a distance of 13.03 feet to the southerly right-of-way of SW Bull Mountain Road; thence S 88° 04' 30" W, along said southerly right-of-way, a distance of 625.20 feet; thence S 01° 56' 56" W a distance of 426.22 feet; thence S 88° 56' 17" E a distance of 212.83 feet; thence S 02° 00' 00" W a distance of 274.12 feet; thence N 88° 49' 24" W a distance of 335.71 feet; thence S 01° 15' 49" W a distance of 475.19 feet; thence S 87° 59' 46" E a distance of 303.50 feet; thence S 01° 15' 46" W a distance of 561.57 feet; thence S 87° 59' 46" E a distance of 303.50 feet; thence S 01° 14' 45" W a distance of 298.88 feet; thence S 02° 27' 42" W a distance of 250.09 feet; thence N 69° 39' 06" E a distance of 400.35 feet; thence S 02° 25' 39" W a distance 514.32 feet; thence S 11° 57' 02" E a distance of 371.23 feet to the northerly right-of-way of SW Beef Bend Road and a point on a curve to the left; thence along said curve to the left with a radius of 1967.00 feet, a central angle of 1° 26' 18" (a chord which bears N 55° 57' 57" E, 49.38 feet) and a length of 49.38 feet; thence N 11° 57' 02" W a distance 317.08 feet; thence N 65° 00' 28" E a distance of 322.47 feet; thence S 28° 38' 14" E a distance of 205.97 feet to the northerly right-of-way of SW Beef Bend Road and a point on a curve to the left; thence along said right-of-way and said curve to the left with a radius of 967.00 feet, a central angle of 00° 04' 39" (a chord which bears N 40° 35' 14" E, 1.31 feet) and a length of 1.31 feet; thence N 40° 32' 54" E, said right-of-way, a distance of 206.72 feet; thence N 46° 22' 17" W, leaving said right-of-way a distance of 32.27 feet; thence N 28° 16' 04" W a distance of 132.02 feet; thence N 48° 34' 22" E a distance of 120.17 feet; thence S 46° 22' 17" E a distance of 126.72 feet; thence N 76° 46' 51" E a distance of 29.53 to the northerly right-of-way of SW Beef Bend Road and a point on a curve to the right; thence along said right-of-way and said curve to the right with a radius of 4033.00 feet, a central angle of 1° 26' 03" (a chord which bears N 44° 16' 04" E, 101.15 feet) and a length of 101.15 feet; thence N 44° 59' 11" E, along said right-of-way, a distance of 32.80 feet; thence leaving said right-of-way N 46° 22' 17" W a distance of 94.16 feet; thence N 01° 43' 13" E a distance of 231.86 feet; thence N 89° 41' 17" W a distance of 444.20 feet; thence N 00° 56' 52" E a distance of 7.97 feet; thence N 02° 02' 19" E a distance of 117.39 feet; thence N 01° 28' 06" E a distance of 173.36 feet; thence N 02° 14' 47" E a distance of 134.59 feet; thence N 00° 00' 56" W a distance of 130.41 feet; thence N 01° 54' 35" E a distance of 389.30 feet; thence N 01° 11' 42" E a distance of 276.26 feet; thence N 89° 41' 55" W 2.82 feet; thence N 01° 49' 33" E a distance of 86.28 feet; thence S 88° 49' 24" E a distance of 92.48 feet; thence N 01° 56' 48" E a distance 721.21 feet to the point of beginning.

Containing 36.1 acres.

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.cb.westhington.or.us

1800.1281.1280, 1700.5461, 1700.5181, 1801.1101, 1801.7101, 1801.7201, 1700.

Canceled Taxlots For 2010/2011



A 4x4 grid of letters. The letters are arranged as follows:

BA	AF	AB	FA
BC	BD	AC	AB
DB	CA	CB	DA
CC	CD	DD	DD

The letters **B**, **A**, **C**, and **D** are circled in the original image. The text "SECTION 29" is centered over the grid.

Assessment
CARTOGRAPHY
Taxation

A 4x4 grid of letters. The letters are arranged as follows:

BB	BA	BB	BA
BA	BB	BA	BB
BB	BA	BB	BA
BA	BB	BA	BB

The letters in the first and third rows are circled. A diagonal line runs from the top-left to the bottom-right.

Cancelled Tariffs For: 25109D0
 8706.004.181.008.202.251.009.

CITY OF TIGARD, OREGON

ORDINANCE NO. 2004-_____

AN ORDINANCE ANNEXING 8.9 ACRES, APPROVING ARBOR SUMMIT ANNEXATION (ZCA2004-00001), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on December 14, 2004 to consider the annexation of two (2) parcels of land consisting of 8.9 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District on December 14, 2004; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the current zoning district is R-7, an existing City zone that has been adopted by the County and the zoning after annexation would remain R-7 so that no zone change is necessary; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcels described in the attached **Exhibit "A"** and shown in **Exhibit "B"** and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 3: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 4: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District shall be the effective date of this annexation.

SECTION 5: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2005.

SECTION 6: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2004.

Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2004.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

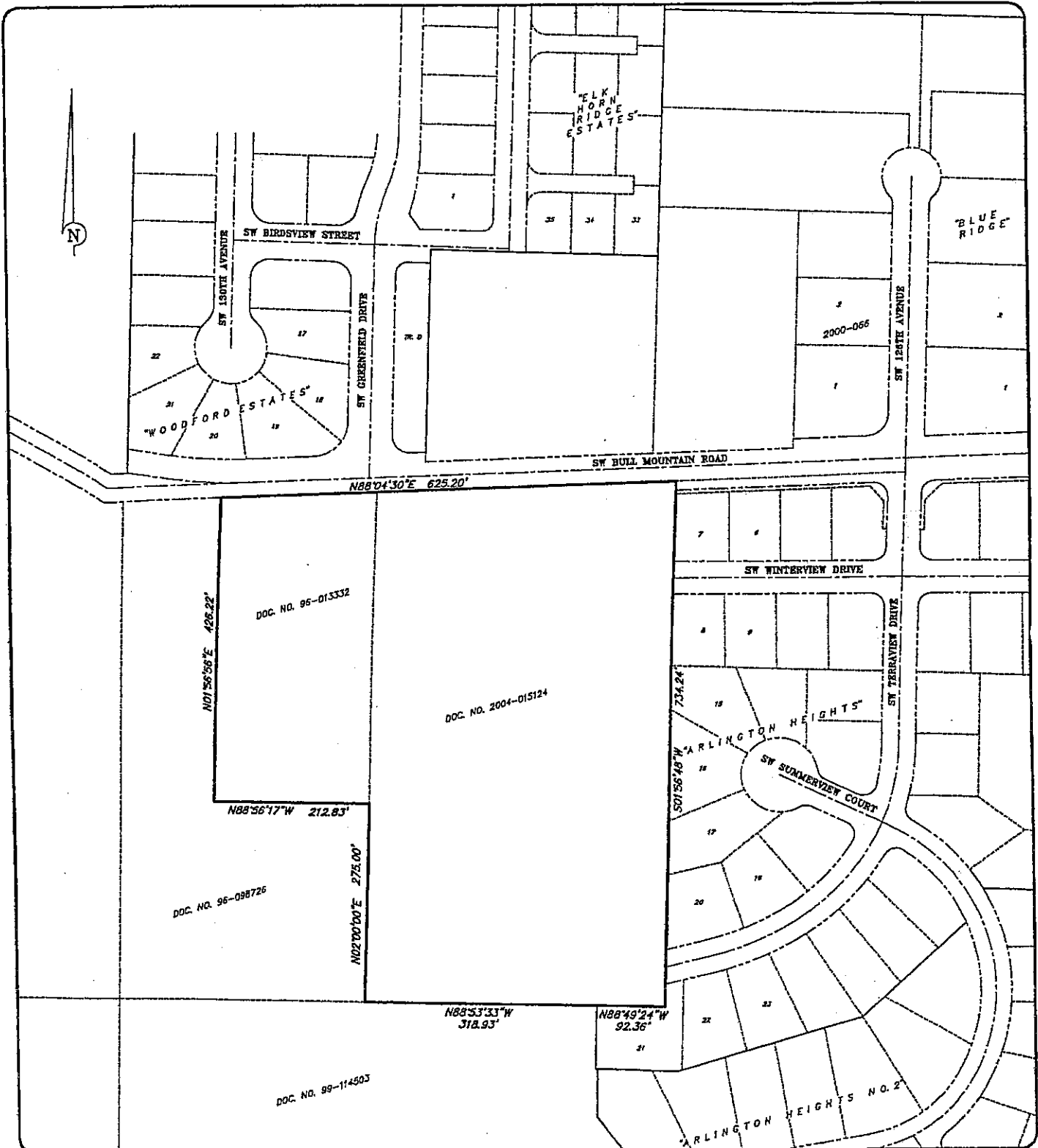
Date



20085 NW Tanasbourne Drive
Hillsboro, OR 97124
P 503.858.4242
F 503.645.5500
www.ldcdesign.com

LEGAL DESCRIPTION FOR ANNEXATION

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 9, T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 21, "ARLINGTON HEIGHTS", THENCE N88°53'33"W, 318.93 FEET ALONG THE NORTH LINE OF THE TRACT OF LAND TO WILLIS DESCRIBED IN DOCUMENT NO. 99114503 OF THE DEED RECORDS OF SAID COUNTY TO THE SOUTHEAST CORNER OF THE TRACT OF LAND TO TIGARD-TUALATIN SCHOOL DISTRICT 23J DESCRIBED IN DOCUMENT NO. 96098726 OF SAID RECORDS; THENCE ALONG THE EAST BOUNDARY OF SAID TRACT, N02°00'00"E, 275.00 FEET; THENCE N88°56'17"W, 212.83 FEET; THENCE N01°56'56"E, 426.22 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF S.W. BULL MOUNTAIN ROAD; THENCE N88°04'30"E, 625.20 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF SAID PLAT OF "ARLINGTON HEIGHTS; THENCE ALONG THE WEST BOUNDARY OF SAID PLAT, S01°56'48"W, 734.24 FEET; THENCE N88°49'24"W, 92.36 FEET TO THE POINT OF BEGINNING.
CONTAINING 8.9 ACRES



MAY 12, 2004
LDC JOB #3091

PREPARED FOR:
WEST HILLS DEV. CO.

DESCRIPTION SKETCH PROPERTY

A PORTION OF THE NORTHEAST 1/4 OF SECTION 9,
T. 2 S., R. 1 W., W.M., WASHINGTON COUNTY, OREGON

Agenda Item:

Hearing Date:

December 14, 2004

7:30 PM

**STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



SECTION I. APPLICATION SUMMARY

FILE NAME: ARBOR SUMMIT ANNEXATION
CASE NO.: Zone Change Annexation (ZCA) ZCA2004-00001

APPLICANT: West Hills Development
 15500 SW Jay Street
 Beaverton, OR 97006

OWNER: Numerous Owners.
 List is available upon request.

PROPOSAL: West Hills Development applied for approval to subdivide property on Bull Mountain Road, known as Arbor Summit I and II. The subdivision's approval included a condition of approval requiring annexation. West Hills applied for annexation of two parcels (Arbor Summit I and II) equaling 8.9 acres.

According to ORS 222.170, the City may include any contiguous property to the land proposed to be annexed if a majority of the owners of more than one half of the land in that territory consent in writing to the annexation. The Bella Vista Subdivision (SUB2002-00007) submitted a consent for annexation of 9.29 acres of land for which they received subdivision approval. Combined, Arbor Summit and Bella Vista total 18.19 acres.

Summit Ridge, a subdivision approved in 2004 lies between Arbor Summit and Bella Vista. Summit Ridge was required to annex at the time of final plat approval. Summit Ridge is contiguous to both Arbor Summit and Bella Vista. With the double majority process allowed by ORS 222.170, additional property can be added to the Arbor Summit and Bella Vista Subdivisions. Staff suggests adding 17.91 acres of parcels from the Summit Ridge Subdivision. Since there are no electors involved, the additional Summit Ridge land can be added under the double majority process. Adding Bella Vista and Summit Ridge to the annexation creates a more complete annexation.

Staff has presented the Council with two options for annexation. One is for Arbor Summit I and II. The other, as recommended by staff, includes the Bella Vista and a portion of the Summit Ridge Subdivision, along with Arbor Summit I & II.

**CURRENT
ZONING**

DESIGNATION: R-7, Medium Density Residential.

**EQUIVALENT CITY
ZONING**

DESIGNATION: R-7, Medium Density Residential. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

LOCATION: WCTM 2S109AD Tax Lots 01400 and 01500. (**Arbor Summit**)
WCTM 2S109DA Tax Lot 02200. (**Summit Ridge**)
WCTM 2S109DD Tax Lots 00100, 00102, 00300, 00306 and 07000. (**Bella Vista**)

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.320 and 18.390; Comprehensive Plan Policies 2 and 10; Metro Code Chapter 3.09; and ORS Chapter 222.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexation will not adversely affect the health, safety and welfare of the City. Therefore, staff recommends **APPROVAL** of the Annexation by adoption of the attached Ordinance (**OPTION 1**).

SECTION III. BACKGROUND INFORMATION

Site Information and Proposal Description:

West Hills Development applied for approval to subdivide property on Bull Mountain Road, known as Arbor Summit I and II. A condition of approval required annexation as a result. West Hills applied for annexation of Two parcels (Arbor Summit I and II) equaling 8.9 acres. According to ORS 222.170, the City may include any contiguous property to the land proposed to be annexed if a majority of the owners of more than one half of the land in that territory consent in writing to the annexation. The Bella Vista Subdivision (SUB2002-00007) submitted a consent for annexation of 9.29 acres of land for which they received subdivision approval. Combined, Arbor Summit and Bella Vista total 18.19 acres.

Summit Ridge, a subdivision approved in 2004 lies between Arbor Summit and Bella Vista. Summit Ridge was required to annex at the time of final plat approval. Summit Ridge is contiguous to both Arbor Summit and Bella Vista. With the double majority process allowed by ORS 222.170, additional property can be added to the Arbor Summit and Bella Vista Subdivisions. Staff suggests adding 17.91 acres of parcels from the Summit Ridge Subdivision. Since there are no electors involved, the additional Summit Ridge land can be added under the double majority process. Adding Bella Vista and Summit Ridge to the annexation creates a more complete annexation.

Staff has presented the Council with two options. One is for only Arbor Summit I and II. The other as recommended by staff includes the Bella Vista and a portion of the Summit Ridge Subdivision.

Option #1

Approve the annexation of eight (8) parcels of approximately 36.1 acres into the City of Tigard through the double majority process.

Option #2

Approve the original annexation request of two parcels of approximately 8.9 acres better known as the Arbor Summit I and II Subdivisions.

Vicinity Information:

The subject parcels are located south of SW Bull Mountain Road and north of SW Beef Bend Road.

SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

The relevant criteria in this case are Tigard Comprehensive Plan Policies 2.1.1, 10.1.1, 10.1.2, and; Tigard Community Development Code Chapter 18.320.

Staff has determined that the proposal is consistent with the relevant policies of the Comprehensive Plan based on the following findings:

Comprehensive Plan

Policy 2.1.1: The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

This Policy requires an ongoing citizen involvement program. Interested parties and surrounding property owners within 500 feet have been notified of the public hearing and notice of the hearing has been published in a newspaper of general circulation. The site has been posted since November 02, 2004, and the hearing was announced at the December Focus on Tigard Television Show. There have been a number of opportunities for citizens to be involved in the decision making process.

Policy 10.1.1: The City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard. The services are: water, sewer, drainage, streets, police, and fire protection.

This Policy requires adequate service capacity delivery to annexed parcels. The City of Tigard Police, Engineering and Water Departments, NW Natural Gas, Tualatin Valley Fire and Rescue, have all reviewed the annexation request and have offered no objections. The subject parcels are part of three separate subdivisions. Services to the subject parcels have been addressed and conditioned within the reviews of the Arbor Summit, Summit Ridge and the Bella Vista Subdivision approvals. This policy has been complied with.

If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following: The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: water, sewer, drainage and streets. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

No L.I.D's were required with the subject parcels, subdivision approvals. All services listed above have been conditioned to be constructed.

The City shall provide urban services to areas within the Tigard urban planning area or with the urban growth boundary upon annexation.

The City of Tigard has an urban services agreement with Washington County for those areas within the City's urban growth boundary. This policy has been complied with.

Policy 10.1.2: approval of proposed annexations of land by the city shall be based on findings with respect to the following: the annexation eliminates an existing "pocket" or "island" of unincorporated territory; or the annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the city; the police department has commented upon the annexation; the land is located within the Tigard urban planning area and is contiguous to the city boundary; the annexation can be accommodated by the services listed in 10.1.1(a).

This Policy pertains to boundary criteria for annexations. The property is adjacent to the Tigard City limits and does not create pockets or islands as shown on the annexation map included in this application. The City of Tigard Police Department has been notified of the annexation and has not provided any objection to it. Services to the subject property are addressed above.

Community Development Code

Section 18.320.020: This Section addresses approval standards for annexation proposals:

All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;

Adequate service (water, sewer, drainage, streets, police, and fire protection) capacity is available to serve the annexed parcels. The City of Tigard Police, Engineering and Water Departments, NW Natural Gas, Tualatin Valley Fire and Rescue, have all reviewed the annexation request and have offered no objections. Additionally, the adequacy and availability of services was reviewed as part of the Arbor Summit, Summit Ridge and Bella Vista subdivision approvals. Therefore, this policy is satisfied.

The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.

Applicable Comprehensive Plan policies have been addressed above. Ordinance provisions were addressed during the individual reviews of the Arbor Summit, Summit Ridge and Bella Vista subdivisions. This standard has been met.

Assignment of comprehensive plan and zoning designations. The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

The subject property is in the Urban Service Area and is zoned R-7 medium density residential. The R-7 zoning designation is consistent with the original Washington County's R-6 zoning designation as shown in the table below. The City's zoning was adopted by the County with the City's R-7 zoning district. Therefore, the property does not need to be rezoned upon annexation. According to Section 18.320.020.C, the City's Comprehensive plan and zoning designations occur automatically and concurrently with the annexation.

Conversion table. Table 320.1 summarizes the conversion of the County's plan and zoning designations to City designations which are most similar.

TABLE 320.1
CONVERSION TABLE FOR COUNTY AND CITY PLAN AND ZONING DESIGNATIONS

Washington County Land Use Districts/Plan Designation	City of Tigard Zoning	City of Tigard Plan Designation
R-5 Res. 5 units/acre	R-4.5 SFR 7,500 sq. ft.	Low density 1-5 units/acre
R-6 Res. 6 units/acre	R-7 SFR 5,000 sq. ft.	Med. density 6-12 units/acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-12 Res. 12 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-15 Res. 15 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
R-24 Res. 24 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
Office Commercial	C-P Commercial Professional	CP Commercial Professional
NC Neighborhood Commercial	CN Neighborhood Commercial	CN Neighborhood Commercial
CBD Commercial Business District	CBD Commercial Business District	CBD Commercial Business District
GC General Commercial	CG General Commercial	CG General Commercial
IND Industrial	I-L Light Industrial	Light Industrial■

Metro

Metro 3.09 requires the additional standards to be addressed in annexation decisions, in addition to the local and state review standards. These are addressed and satisfied as discussed below:

Consistency with the directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

The processing has been done consistent with applicable Urban Service Provider agreements.

Consistency with directly applicable provisions of urban planning or other agreement, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

The process required by the Development Code and Comprehensive Plan is consistent with the Urban Planning Agreement for annexations.

Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

This has been discussed previously in this report and, as discussed, this criterion is satisfied.

Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plans;

Because the Development Code has been amended to comply with applicable Metro functional plan requirements, by complying with the Development Code and Comprehensive Plan, the annexation is consistent with the applicable Functional Plan and the Regional Framework plan.

Whether the proposed changes will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

The proposed annexation will not interfere with the provision of public facilities or services because it is adjacent to existing city limits and services. Many services have been extended to the subject parcels as a result of earlier development.

If the proposed boundary change is for annexation of territory to Metro, a determination by Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;

The subject property is already within the Metro boundaries.

Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with other applicable criteria has been discussed previously in this report.

SECTION V. OTHER STAFF COMMENTS

The City of Tigard Engineering, Building, Police Department, Tualatin Valley Fire and Rescue, Public Works, and Water Department have all reviewed this proposal and have offered no objections to annexation.

SECTION VI. AGENCY COMMENTS

NW Natural Gas, Tri-Met Transit Development, Metro Land Use & Planning and Washington County have had the opportunity to review the proposal and have offered no objections.

BASED ON THE FINDINGS INDICATED ABOVE, PLANNING STAFF RECOMMENDS APPROVAL OF ZONE CHANGE ANNEXATION (ZCA) 2004-00001 – ARBOR SUMMIT ANNEXATION (OPTION 1).


PREPARED BY: Mathew Scheidegger
Associate Planner

December 2, 2004
DATE


APPROVED BY: Richard Bewersdorff
Planning Manager

December 2, 2004
DATE

AGENDA ITEM # 9
FOR AGENDA OF December 14, 2004

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Code Amendment to Allow Bulk Sales in the IP Zone
PREPARED BY: Morgan Tracy MT-7 DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Should Council accept the recommendation of the Planning Commission to amend the City of Tigard Development Code to allow Bulk Sales as a "Restricted Use" in the IP Zones, subject to limitations of size and outdoor activity?

STAFF RECOMMENDATION

Accept the recommendation of the Planning Commission and adopt the attached ordinance.

INFORMATION SUMMARY

This request has been initiated by a private party representing two clients (Paul Schatz furniture and Smetco, Inc.) whose properties are both located in an I-P zone. In anticipation of a use expansion and conversion to a bulk sales use, the applicant is requesting to allow bulk sales uses as permitted uses in the I-P zone. Bulk sales are presently prohibited in the Industrial Park Zone.

During the public and agency comment period, Metro submitted a request for additional findings showing compliance with the Regional Framework Plan, specifically Title 4- Protection of Industrial And Other Employment Areas. Title 4 restricts commercial retail uses in designated Significant Industrial areas. Staff, in its analysis determined that certain areas of IP zoned land would be inappropriate for bulk sales uses, but that other IP zoned areas, generally east of SW 72nd Avenue are suitable, with certain restrictions on the size of the use (60,000 square feet) and requiring that all activity and storage occur indoors. Following this analysis, Metro concurred that with the recommended modifications, the proposal satisfied Title 4 requirements.

On November 15, 2004, the Planning Commission held a public hearing to discuss the merits of the request. The Commission found that the area east of SW 72nd was in transition and was already populated by less intensive industrial uses. In a 7-0 unanimous motion, the Commission moved to recommend approval of the requested code amendment, as modified by staff (limit bulk sales to IP zones east of SW 72nd, no outside storage)

OTHER ALTERNATIVES CONSIDERED

Adopt the applicant's request for unrestricted allowance of bulk sales in the IP Zone.

Reject any amendment to the Development Code.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

- Attachment 1: Ordinance
Exhibit A: Recommended Text Change
Attachment 2: November 15, 2004 Staff Report with attachments to the Planning Commission
Attachment 3: Map of Affected Parcels
Attachment 4: Applicant's Data

FISCAL NOTES

There is no fiscal impact anticipated for this action. All application fees have been paid by the applicant.

CITY OF TIGARD, OREGON

ORDINANCE NO. 04-_____

AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.520 TO ALLOW BULK SALES WITHIN CERTAIN AREAS OF INDUSTRIAL PARK ZONES, SUBJECT TO LIMITATIONS ON SIZE AND OUTDOOR ACTIVITY (ZOA2004-00001).

WHEREAS, the applicant has requested a Zone Ordinance Amendment to amend the language of the Tigard Community Development Code Chapter 18.520 to allow bulk sales in the Industrial Park Zones as a permitted use; and

WHEREAS, planning staff notified the appropriate agencies of the request and received comments from Metro regarding compliance with Title 4 of the Regional Framework Plan; and

WHEREAS, staff evaluated Metro's designated Industrial Lands and Employment Lands, and found that the majority of eligible IP zoned land for limited retail uses was on the east side of SW 72nd Avenue; and

WHEREAS, to further comply with the Title 4 requirements, the maximum allowable size for a single bulk sales use or combination of uses on one parcel is 60,000 gross square feet; and

WHEREAS, to maintain the campus like character for the Industrial Park zone, additional limitations on outdoor storage and activity should be imposed; and

WHEREAS, staff modified the proposal so that bulk sales would be allowed only as a restricted use in IP Zoned property, east of SW 72nd Avenue, limited to a maximum size of 60,000 square feet, and with restrictions on outside sales, storage or activity; and

WHEREAS, the Planning Commission considered the request at their November 15, 2004 public hearing, and unanimously voted in favor of the modified amendment on a 7-0 vote; and

WHEREAS, the City Council held a public hearing on the request on December 14, 2004 and determined that the proposed language adequately addressed concerns regarding protecting the health, safety, and welfare of the Tigard citizens, as well as, the interests of business in Tigard; and

WHEREAS, the City Council has considered the applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the City Council has determined that the proposed zone ordinance amendment is consistent with the applicable review criteria and that approving the request would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as "EXHIBIT A" to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2004.

Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2004.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

Recommended Development Code Text Amendment

TABLE 18.530.1
USE TABLE: INDUSTRIAL ZONES

USE CATEGORY	I-P	I-L	I-H
RESIDENTIAL			
Household Living	R ¹	R ¹	R ¹
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
CIVIC (INSTITUTIONAL)			
Basic Utilities	C	C	P
Colleges	N	N	N
Community Recreation	C ¹⁰	C ¹⁰	C ¹⁰
Cultural Institutions	N	N	N
Day Care	R ^{3 9}	R ^{3 9}	R ^{3 9}
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	P	N	N
Eating and Drinking Establishments	R ²	N	N
Entertainment-Oriented			
- Major Event Entertainment	N	N	N
- Outdoor Entertainment	P	N	N
- Indoor Entertainment	P	N	N
- Adult Entertainment	N	N	N
General Retail			
- Sales-Oriented	R ²	N	N
- Personal Services	R ²	N	N
- Repair-Oriented	P	N	N
- Bulk Sales	N R ^{4, 11}	N	N
- Outdoor Sales	N	P	P
- Animal-Related	P	P	P
Motor Vehicle Related			
- Motor Vehicle Sales/Rental	N	P	P
- Motor Vehicle Servicing/Repair	C	P	P
- Vehicle Fuel Sales	P	P/C ⁷	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

TABLE 18.530.1 (CON'T)

USE CATEGORY	I-P	I-L	I-H
INDUSTRIAL			
Industrial Services	N	P	P
Manufacturing and Production			
- Light Industrial	P	P	P
- General Industrial	N	P	P
- Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R ⁴	P	P
OTHER			
Agriculture/Horticulture	P ⁵	P ⁵	P ⁵
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R ⁶	P	P
Rail Lines/Utility Corridors	P	P	P
Other	NA	NA	P ⁸

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

- ¹ A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.
- ² These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.
- ³ In-home day care which meets all state requirements permitted by right.
- ⁴ Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
- ⁵ When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.
- ⁶ See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
- ⁷ Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.
- ⁸ Explosive storage permitted outright subject to regulations of Uniform Fire Code.

- ⁹ Day care uses with over 5 children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.
- ¹⁰ Limited to outdoor Recreation on (1.) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2.) land located outside the floodplain as shown on City flood maps, when the Recreation Use is temporary and does not otherwise preclude allowed uses or Conditional Uses other than Recreation within the district.

These limited uses shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

Agenda Item: 5.1

Hearing Date: November 15, 2004 Time: 7:00 PM

**STAFF REPORT TO THE
PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**



SECTION I. APPLICATION SUMMARY

CASE NAME: CODE AMENDMENT TO ALLOW BULK SALES AS A PERMITTED USE
IN THE IP (INDUSTRIAL PARK) ZONE

CASE NO.: Zone Ordinance Amendment (ZOA) **ZOA2004-00001**

PROPOSAL: To amend the Industrial Use Table within the Tigard Development Code to allow "Bulk Sales" as a permitted use within the IP Zone where presently this use is prohibited. Bulk Sales as defined by the Development Code are "Establishments which engage in the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliance and home improvement sales."

APPLICANT(S): Paul Schatz III
6600 SW Bonita Road
Tigard, OR 97224

Robert Smetts, Smetco, Inc.
P.O. Box 560
Aurora, OR 97002

AGENT: Bruce Vincent

ZONE: I-P: Industrial Park District. The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.

LOCATION: I-P zones.

**APPLICABLE
REVIEW
CRITERIA:**

Community Development Code Chapters: 18.380, 18.390 and 18.530;
City Comprehensive Plan Policies: 1-General Policies and 2-Citizen Involvement; Statewide Planning Goals: 1-Citizen Involvement and 2-Land Use Planning; and Metro Code: 3.07.110-3.07.170 and 3.07.440.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission alter the allowable uses within the IP Zone to permit limited Bulk Sales as determined through the public hearing process and make a recommendation to the Tigard City Council.

SECTION III. BACKGROUND INFORMATION

This request has been initiated by a private party representing two clients (Paul Schatz furniture and Smetco, Inc.) whose properties are both located in an I-P zone. In anticipation of a use expansion and conversion to a bulk sales use, the applicant is requesting this code change in recognition of the changing nature of the area around the I-5/Bonita intersection, and also in part to acknowledge that Bulk Sales are compatible with and therefore should be permissible in Industrial Park zones. Bulk sales are presently prohibited in the Industrial Park Zone.

In 1997, the Community Development Director issued an interpretation for the Paul Schatz property regarding a request to add 4,000 square feet of showroom/sales space to the furniture store. While a previous version of the development code was in effect at that time, certain uses in the I-P zones were limited, as follows:

Convenience sales and personal services; children's day care; eating and drinking establishments; personal services, facilities; and retail sales (of which "bulk sales" were included part of this use at that time) , general separately or in combination shall not exceed a total of 20 percent of the entire square footage within a development complex.

The property contained 44.5% retail, and was considered at that time to be non-conforming. Non-conforming uses may be continued, but no such non-conforming use may be enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of the code. Also, no additional structure, building or sign shall be constructed on the lot in connection with such non-conforming use of land. As a result, the request to add space to the use was rejected.

The applicant contends that when the code was amended in 1998, and the "bulk sales" use was separated from "General Retail Sales," it more appropriately belonged in the industrial park zone. In so claiming, the applicant argues that the I-P zone acts more like a bridge between commercial and industrial zoning than a fully dedicated industrial zone. Thus uses with a large storage component with a relatively small level of retail activity are appropriate for industrial park zones.

This proposal partially seeks to legitimize the current non-conforming Paul Schatz furniture use, as well as the Home Depot and approximately 20 other bulk sales uses in the IP zones, by allowing bulk sales as a permitted use in the zone.

SECTION IV. SUMMARY OF APPLICABLE CRITERIA

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

This section regulates amendments. It outlines the process for reviewing Development Code Text Amendments. The present amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter.

Chapter 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

- ♦ **The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;**

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter.

Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code and Comprehensive Plan have been acknowledged by DLCD. The following are the applicable Statewide Planning Goals that are applicable to this proposal:

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for changes to the Comprehensive Plan and implementing documents. This goal has been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the Tigard Times Newspaper prior to the public hearing. Individual notice to property owners was not required since the proposal will increase the allowable uses on the affected properties. Additional notice was sent to all adjacent cities as well as Metro. Two Public Hearings are held (one before the Planning Commission and the second before the City Council) in which public input is welcome. Interested parties (previously called Citizen Involvement Team (CIT) members) were also notified of the proposed changes.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2.

- ♦ **Any applicable Metro regulations;**

Title 1: (Metro code 3.07.110-3.07.170)

Requirements for Housing and Employment Accommodation

State law and the Metro Code require that the Metro Urban Growth Boundary have sufficient capacity to accommodate the expected growth for 20 years. It is Metro's policy to minimize the amount of growth boundary expansion. One goal of the Framework Plan is the efficient use of land within the UGB efficiently by increasing its capacity to accommodate housing and employment. Title 1 directs each city and county in the region to consider actions to increase its capacity and to take action if necessary to accommodate its share of regional growth as specified in this title.

The applicant's proposal to allow bulk sales in the Industrial Park zone should have no net effect on the employment capacity, as bulk sales uses can employ similar numbers of employees as other outright permitted uses in the industrial park zone. A list of those currently allowed uses and the employees per acre figures (where available) follows:

Table 1-Employment Density for Industrial Park Allowable Uses and Proposed Use

PERMITTED USES	Emp/Acre	CONDITIONAL USES	Emp/Acre
Emergency Services	70	Basic Utilities	n/a
Postal Service	40	Community Recreation ¹⁰	n/a
Public Support Facilities	n/a	Motor Vehicle Servicing/Repair	n/a
Commercial Lodging	40	Detention Facilities	n/a
Outdoor Entertainment	n/a	Heliports	n/a
Indoor Entertainment	3		
Repair-Oriented	n/a	RESTRICTED USES	
Animal-Related	n/a	Household Living ¹	n/a
Vehicle Fuel Sales	28	Day Care ^{3, 9}	n/a
Office	n/a	Eating and Drinking Establishments ²	25
Self-Service Storage	2	Sales-Oriented ²	n/a
Non-Accessory Parking	n/a	Personal Services ²	17.5
Light Industrial	n/a	Wholesale Sales ⁴	n/a
Research and Development	n/a		
Agriculture/Horticulture ⁵	n/a	PROPOSED USE	
Wireless Communication	n/a	Bulk Sales	15-40
Facilities ⁶	n/a		
Rail Lines/Utility Corridors	35		

n/a=data not available

- ¹ A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.
- ² These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.
- ³ In-home day care which meets all state requirements permitted by right.
- ⁴ Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
- ⁵ When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.
- ⁶ See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
- ⁹ Day care uses with over 5 children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.
- ¹⁰ Limited to outdoor Recreation on (1.) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2.) land located outside the floodplain as shown on City flood maps, when the Recreation Use is temporary and does not otherwise preclude allowed uses or Conditional Uses other than Recreation within the district.

Apart from the C-N (Neighborhood Commercial) and C-C (Community Commercial) zones, all other commercial zones have higher average employee densities than the IP Zone. Bulk Sales are currently not allowed in those zones:

Table 2-Average employee density per zoning classification

Zone	Employee Density
C-G	27
C-C	17
C-N	16
C-P	88
CBD	50
MUE	27
I-H	25
I-L	24
I-P	24.4

Title 4: (Metro code 3.07.440)

Protection of Industrial And Other Employment Areas

Title 4 sets forth requirements to limit intrusions of commercial uses into industrial zones. Certain uses are permissible within set guidelines (such as restrictions on types of use, or limitations on the size of uses.) The majority of the IP zones are located within designated "Industrial Areas". Within these areas, Metro's requirements state:

Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described above to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on Metro's Freight Network Map, November, 2003. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

These sorts of limitations prevent larger scale uses, such as bulk sales, from locating in these areas. Therefore, staff recommends that the limitation preventing bulk sales in the designated "Industrial Areas" remain in place.

However, there are additionally areas of IP Zoned property that is designated as "Employment Areas" by Metro's Regionally Significant Industrial Land inventory. Within these areas Metro's requirements state:

In Employment Areas, cities and counties shall limit new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas. Generally, the size limitation is 60,000 square feet of gross leasable area in a single building, or retail commercial uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

Staff finds that the proposed use, "bulk sales" provides goods that would directly benefit the employees and more notably the residents within the employment areas.

However, staff does acknowledge that "bulk sales" by virtue of its name is also clearly a commercial use. This raises a significant question as to the applicant's proposal. While there are exemptions that would allow retail commercial uses to exceed the 60,000 gross square foot limitation¹, staff is not inclined to find, nor has the applicant demonstrated that these exemption criteria have been or would be met. Instead, staff is more comfortable in recommending a limitation in line with Metro's requirements. Therefore, staff recommends that the proposed use classification change be from "N" (Prohibited) to "R" (Restricted) with a footnote reference. This reference would reflect Metro's requirements, and define the area where such uses are permissible:

11 These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

♦ **Applicable Comprehensive Plan Policies:**

Comprehensive Plan Policy 1.1.1:

This policy states that all future legislative changes shall be consistent with the Statewide Planning Goals and the Regional Plan adopted by Metro. As indicated above under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment as modified by staff's recommendation is consistent with the Statewide Goals and the Regional Plan.

Comprehensive Plan Policy 2.1.1:

This policy states that the City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process. This policy is satisfied because notice of the proposed amendment was mailed to all Interested Parties. In addition, notice was published in the Tigard Times of the Public Hearing and notice will be published again prior to the City Council public hearing.

¹ A city or county may authorize new commercial retail uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:

1. Generate no more than a 25 percent increase in site generated vehicle trips above permitted non-industrial uses; and
2. Meet the Maximum Permitted Parking -- Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.

Public input has been invited in the notice.

Comprehensive Plan Policy 2.1.2 and 2.1.3:

In pertinent part, this policy states that the Citizen Involvement Team program and the Citizen Involvement Team Facilitators shall serve as the primary means for citizen involvement in land use planning. Policy 2.1.3 states that information on land use planning issues shall be available in understandable form. These policies were satisfied because notice of the proposed amendment was mailed to all Interested Parties. The written notices were written in plain understandable form, and included phone numbers and a contact person for anyone who may have questions.

- ♦ **Any applicable provision of the City's implementing ordinances.**

Code Section 18.530:

This chapter establishes the permissible uses and basic development standards for the City's three industrial zones. The purpose of this chapter is to provide a range of industrial services for City residents and facilitate the economic goals of the comprehensive plan. One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of economic activities and job opportunities are available throughout the City so that residents can work close to home if they choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.

This chapter also describes the Industrial Park zone as providing appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, or vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.

The applicant's proposal to include "bulk sales" into the fold of allowable uses, will meet the purpose of the chapter by increasing the diversity of economic activities and job opportunities in the industrial park zone. The proposed use will also fit within the description of the I-P zone as a "small scale commercial use" if the modifications recommended by staff are included in the amendment. This will limit the use to no more than 20% of the square footage within a development complex, and not to exceed 60,000 square feet.

SECTION V. STAFF ANALYSIS

Limitations of uses are the basic building blocks of Euclidian zoning. Zones are typically set in three broad classifications: residential, commercial, and industrial. The basic premise was to segregate incompatible uses from one another, and locate the uses in the most appropriate areas of the city. These general zones were then divided into smaller subcategories; low, medium, and high density residential, limited and general commercial,

light and heavy industrial. As society and citizen's needs changed, and uses evolved over time, the clear distinction between uses grew fuzzier. Certain commercial uses were allowed in limited form in the residential zones (e.g. home occupation businesses). Some industrial type uses were allowed in commercial zones (e.g. self serve storage). Limited commercial uses were allowed in industrial zones to support those industrial uses (e.g. restaurants). Finally, mixed use development dissolved the distinction between standard zoning classes, and allowed a blend of residential, commercial, and infrequently, limited industrial uses.

Uses are assigned to the most appropriate zone based on their particular level of external impacts (noise, dust, odor, discharge pollution, parking, aesthetic, etc.). So a low impacting retail use would be permissible in a limited commercial zone while a big production factory would be permissible in a heavy industrial zone. Historically, lower impacting uses were allowed to locate in heavier zones, but not visa-versa. However, over time, it was recognized that the available land supply within a particular zone could be devoured by low impacting uses, leaving inadequate area in the heavier zone for the higher impact uses. This was partly due to market factors. As land values and rental rates climbed in the more desirable commercial areas, commercial businesses began drifting toward the lower land prices and rents in the less desirable industrial areas. This incrementally drives up the price of the industrial land and reduces the amount of large contiguous parcels available for large scale manufacturing type uses. This is one premise behind the protections of Metro's Title 4 requirements.

Staff believes that "bulk sales" are an appropriate use in the employment areas of the Industrial Park zone since bulk sales refers to the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliance and home improvement sales. This extensive interior space, need for large service delivery vehicles, and limited public presence are similar to wholesale sales or self service storage which are presently allowed. The Industrial Park zone is appropriate as it seeks to establish a campus like setting. To ensure that campus like setting, a restriction on outdoor storage is also recommended. The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, or vibration, are permitted in the I-P zone. Bulk sales are consistent with this description. Staff believes that to limit the commercial use to a "small scale," certain restrictions should be placed on "Bulk Sales"

Bulk Sales are not appropriate in areas classified as "industrial land" by Metro as these areas limit retail uses to 5,000 square feet, and that is simply inadequate area for "extensive interior space for display". Therefore, staff recommends that the allowance for bulk sales be allowed only in those IP zoned areas designated as "employment lands". This is most easily described as "IP Zoned properties east of SW 72nd Avenue."

Using the criteria established by Metro and limiting the allowance to "employment lands" within the IP Zone, staff recommends that the proposed use be allowed as a "R" Restricted Use, subject to the following limitation:

These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000

square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

Staff additionally recommends that to help maintain a campus like setting, a restriction on outdoor storage should be imposed, such as is described by footnote number 4 in Table 18.530.1:

Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).

SECTION VI. OTHER ALTERNATIVES

No Action - The standard would remain "bulk sales" are not permitted in the I-P zone. This would leave several existing businesses as non-conforming uses, but would continue to strictly limit the range of new commercial uses that are allowed.

Expanded Action - Allow bulk sales in a wider range of zones. However, further analysis of this impact would be required, and generally staff does not favor bulk sales in the more dedicated industrial zones. This option would also likely conflict with Metro and Comp. Plan requirements.

Alternate Action - Staff is recommending an alternate action option. The applicant proposed allowing bulk sales without restriction in the IP Zone. Staff found that this may violate Title 4 requirements of Metro's code, and further staff seeks to limit the degree of commercial use intrusion in the IP zone, while still providing for a variety of employment opportunities. This would be accomplished by listing Bulk Sales as a "R" Restricted Use, subject to the following footnotes:

4 2. Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).

11 These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

SECTION VII. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS

Metro responded with a letter addressed to the Planning Commission. They requested a analysis of compliance with the Urban Growth Management Functional Plan, as related to the protection of industrial areas from commercial use intrusions. The requested analysis is contained within this report, and a copy was faxed to Michael Jordan, Metro's Chief Operating Officer on November 9, 2004.

The City of Tigard Long Range Planning Division has had an opportunity to review this proposal and notes industrial land is limited, as are the uses allowed in industrial lands. Simply because uses are pre-existing non-conforming uses, does not make the argument for changing the code. It is presumed that when the IP zone was placed on the properties,

some uses would become non-conforming. The 20% limitation was to protect the area for industrial uses.

The City of Tigard Police Department reviewed the proposal and offered no objections.

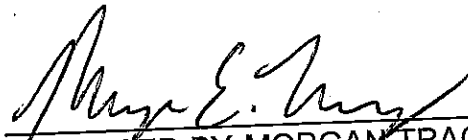
The City of Beaverton reviewed the request and responded that they do not object to the proposed amendment as it does not appear there are any I-P zoned properties near the common boundary between the two cities. However, Beaverton does note that they are concerned by the potential traffic impacts from allowing large scale retail uses in proximity to Scholls Ferry Road and the intersections thereon.

Finally, the City of Beaverton included a general comment with regard to the impact on the regional land use policy. The proposed amendment appears to be another assault on the industrial/employment land supply.

The Cities of Durham, King City, Lake Oswego, and Tualatin, the Oregon Department of Land Conservation and Development, and Washington County were notified of the proposed amendment and did not respond.

ATTACHMENT:

Exhibit A – Proposed Development Code Text Changes
Exhibit B – Recommended Development Code Text Changes



PREPARED BY: MORGAN TRACY
Associate Planner

November 8, 2004
DATE



APPROVED BY: DICK BEWERSDORFF
Planning Manager

November 8, 2004
DATE

Proposed Development Code Text Amendment

TABLE 18.530.1
USE TABLE: INDUSTRIAL ZONES

USE CATEGORY	I-P	I-L	I-H
RESIDENTIAL			
Household Living	R ¹	R ¹	R ¹
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
CIVIC (INSTITUTIONAL)			
Basic Utilities	C	C	P
Colleges	N	N	N
Community Recreation	C ¹⁰	C ¹⁰	C ¹⁰
Cultural Institutions	N	N	N
Day Care	R ^{3 9}	R ^{3 9}	R ^{3 9}
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	P	N	N
Eating and Drinking Establishments	R ²	N	N
Entertainment-Oriented			
- Major Event Entertainment	N	N	N
- Outdoor Entertainment	P	N	N
- Indoor Entertainment	P	N	N
- Adult Entertainment	N	N	N
General Retail			
- Sales-Oriented	R ²	N	N
- Personal Services	R ²	N	N
- Repair-Oriented	P	N	N
Bulk Sales	NP	N	N
- Outdoor Sales	N	P	P
- Animal-Related	P	P	P
Motor Vehicle Related			
- Motor Vehicle Sales/Rental	N	P	P
- Motor Vehicle Servicing/Repair	C	P	P
- Vehicle Fuel Sales	P	P/C ⁷	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

TABLE 18.530.1 (CON'T)

USE CATEGORY	I-P	I-L	I-H
INDUSTRIAL			
Industrial Services	N	P	P
Manufacturing and Production			
- Light Industrial	P	P	P
- General Industrial	N	P	P
- Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R ⁴	P	P
OTHER			
Agriculture/Horticulture	P ⁵	P ⁵	P ⁵
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R ⁶	P	P
Rail Lines/Utility Corridors	P	P	P
Other	NA	NA	P ⁸

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

- ¹ A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.
- ² These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.
- ³ In-home day care which meets all state requirements permitted by right.
- ⁴ Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
- ⁵ When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.
- ⁶ See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
- ⁷ Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.
- ⁸ Explosive storage permitted outright subject to regulations of Uniform Fire Code.

⁹ Day care uses with over 5 children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.

¹⁰ Limited to outdoor Recreation on (1.) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2.) land located outside the floodplain as shown on City flood maps, when the Recreation Use is temporary and does not otherwise preclude allowed uses or Conditional Uses other than Recreation within the district.

Recommended Development Code Text Amendment

TABLE 18.530.1
USE TABLE: INDUSTRIAL ZONES

USE CATEGORY	I-P	I-L	I-H
RESIDENTIAL			
Household Living	R ¹	R ¹	R ¹
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
CIVIC (INSTITUTIONAL)			
Basic Utilities	C	C	P
Colleges	N	N	N
Community Recreation	C ¹⁰	C ¹⁰	C ¹⁰
Cultural Institutions	N	N	N
Day Care	R ^{3 9}	R ^{3 9}	R ^{3 9}
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	P	N	N
Eating and Drinking Establishments	R ²	N	N
Entertainment-Oriented			
- Major Event Entertainment	N	N	N
- Outdoor Entertainment	P	N	N
- Indoor Entertainment	P	N	N
- Adult Entertainment	N	N	N
General Retail			
- Sales-Oriented	R ²	N	N
- Personal Services	R ²	N	N
- Repair-Oriented	P	N	N
- Bulk Sales	N ^{R4, 11}	N	N
- Outdoor Sales	N	P	P
- Animal-Related	P	P	P
Motor Vehicle Related			
- Motor Vehicle Sales/Rental	N	P	P
- Motor Vehicle Servicing/Repair	C	P	P
- Vehicle Fuel Sales	P	P/C ⁷	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

TABLE 18.530.1 (CON'T)

USE CATEGORY	I-P	I-L	I-H
INDUSTRIAL			
Industrial Services	N	P	P
Manufacturing and Production			
- Light Industrial	P	P	P
- General Industrial	N	P	P
- Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R ⁴	P	P
OTHER			
Agriculture/Horticulture	P ⁵	P ⁵	P ⁵
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R ⁶	P	P
Rail Lines/Utility Corridors	P	P	P
Other	NA	NA	P ⁸

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

- ¹ A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.
- ² These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.
- ³ In-home day care which meets all state requirements permitted by right.
- ⁴ Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
- ⁵ When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.
- ⁶ See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
- ⁷ Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.
- ⁸ Explosive storage permitted outright subject to regulations of Uniform Fire Code.

- ⁹ Day care uses with over 5 children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.

- ¹⁰ Limited to outdoor Recreation on (1.) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2.) land located outside the floodplain as shown on City flood maps, when the Recreation Use is temporary and does not otherwise preclude allowed uses or Conditional Uses other than Recreation within the district.

¹¹ These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

BEDSAUL/VINCENT CONSULTING LLC

825 NE 20TH AVE., SUITE 300
PORTLAND, OR 97232
OFFICE (503) 230.2119
FAX (503) 230.2149

DATE:

November 1, 2004

REQUEST:

A supplemental to a Type IV Quasi-Judicial Zoning Text Amendment to permit bulk sales in the IP, (Industrial Park District), zone, addressing compliance with Metro code section 3.07.430, pursuant to Metro code section 3.07.820(A) of the Urban Growth Management Functional Plan

APPLICANTS:

Paul Schatz III, Paul Schatz Furniture
6600 SW Bonita Road

Robert Smetts
Smetco, Inc.
6830 SW Bonita Road

OWNERS:

Paul Schatz III, Paul Schatz Furniture
6600 SW Bonita Road

Robert Smetts
Smetco, Inc.
6830 SW Bonita Road

LEGAL DESCRIPTION:

Tax Lot 300: Bonita Gardens, Lot PT 4
Tax Lot 1100: 2002-020 Partition Plat, Lot 1
Both lots in the SE 1/4 of the NE 1/4 Sec.12, T2S, R1W

SIZE:

Tax Lot 300: 0.9 Acre, TL 1100: 2.92 Acres.

ZONING:

I-P-Industrial Park District

LOCATION:

6600 and 6830 SW Bonita Road

CRITERIA:

Metro Urban Growth Management Functional Plan
Metro code section 3.07.430 Protection of Industrial Areas

A. In Industrial Areas mapped pursuant to Metro Code section 3.07.130 that are not Regionally Significant Industrial Areas, cities and counties shall limit new and expanded retail, commercial uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Industrial Areas.

- B. In an Industrial Area, a city or county shall not approve:
 - 1. A commercial retail use with more than 20,000 square feet of retail sales area in a single building or in multiple buildings that are part of the same development project; or
 - 2. Commercial retail uses that would occupy more than ten percent of the net developable portion of the area or any adjacent Industrial Area.
- C. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor space and 10 percent more land area. (Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 5.)

I. INTRODUCTION

On 10/29/04, the applicants' representative received a fax from Morgan Tracy; staff planner assigned to Case File # ZOA 2004-00001, which pertains to the above-mentioned case file. The fax contained a 10/27/04 letter from Michael Jordan, Metro's Chief Operating Officer requesting that the City provide analysis to demonstrate that the subject zoning text amendment complies with Metro code section 3.07.430. (Protection of Industrial Areas that are not Regionally Significant Industrial Areas) Planning staff requested that the applicant provide evidence on this matter so that staff could provide the said analysis requested by Metro.

II. Justification for COMPLIANCE with metro code section 3.07.430:

The following narrative is intended to demonstrate compliance with Metro code section 3.07.430, pursuant to Metro code section 3.07.820(A) of the Urban Growth Management Functional Plan

3.07.430 Protection of Industrial Areas

- A. *In Industrial Areas mapped pursuant to Metro Code section 3.07.130 that are not Regionally Significant Industrial Areas, cities and counties shall limit new and expanded retail, commercial uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Industrial Areas.*

APPLICANTS' COMMENT:

The City has already determined that a mix of retail commercial uses is appropriate for the I-P zone. As set forth in Chapter 18.530.010, (Purpose), the I-P zoning district:

"provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odors, vibration, are permitted in the I-P zone"

By their very nature, retail furniture sales and other bulk sales are appropriate for the I-P because they provide services for those employees and residents of the industrial areas and other nearby occupants. Home Depot is the most obvious example of a retail sales use selling bulky items like refrigerators and lumber materials to homeowners. Home Depot is a 120,000 square foot store located directly south of the subject ownerships at Sequoia Parkway and Cardinal Lane. (See Attachment "A") If Home Depot is appropriate for the I-P zone, then it is clear that permitting other smaller scale bulk sale uses, (such as Paul Schatz Furniture), within the existing I-P zoned business parks will also be appropriate for the I-P zone.

The City places limits on the types of industrial uses that can occupy the I-P zone, and by so doing, permits uses that are weighed more heavily towards commercial rather than industrial uses. According to Table 18.530-1, (Industrial Zone Use Table), light industrial, (e.g., small-scale machine shops, computer equipment assembly, sign making), research and development firms and wholesale sales are the only permitted industrial uses allowed in the I-P zone. Therefore, only three of the nine industrial use categories are allowed in the I-P zone. However, Table 18.530-1, allows a wide mix of commercial uses, including lodging, eating and drinking establishments, outdoor and indoor entertainment, sales oriented uses, personal services, repair shops, vehicle fuel sales, office uses, self service storage and parking lots. Therefore, based on the limited number of truly "light industrial" uses permitted, the I-P zone is in fact more like a "business park"/mixed use" zone. Therefore, although the I-P zone is technically an industrial zone, it acts more like a bridge between commercial and industrial zoning, and thus is not really the industrially oriented zoning that Metro is seeking to protect under these code criterion. The City of Tigard I-L, (light industrial) and I-H, (heavy industrial) zoning designations strictly limit the kinds of commercial uses allowed in the I-P zone, and therefore they protect the types of industrial uses that Metro wants protected.

B. In an Industrial Area, a city or county shall not approve:

- 1. A commercial retail use with more than 20,000 square feet of retail sales area in a single building or in multiple buildings that are part of the same development project; or***
- 2. Commercial retail uses that would occupy more than ten percent of the net developable portion of the area or any adjacent Industrial Area.***

APPLICANTS' COMMENT:

The proposed zoning text amendment will permit bulk sales in the I-P zone, but the request, in and of itself, does not authorize the types of square footage/percentage restrictions stipulated under this criterion. The applicant asserts that the restrictions sought by this criterion are aimed at truly industrial zones, such as the City's I-L and I-H zone. The applicant has already asserted under the response to 3.07.430 (A) that the I-P zone acts more like a commercial zone rather than a truly industrial zone.

According to Table 18.530.1, seven of the eighteen commercial use categories are permitted in the I-L and I-H zones, and the rest are not permitted, therefore the City goes farther in its protection of industrially zoned land than does this criterion. That is, the City could have allowed more commercial uses in the I-L and I-H zone, by placing restrictions on square footage and percentage of net developable area, but they did not, which demonstrates Tigard's commitment to protect industrially zoned land for industrial uses. In fact, within the I-P zone there are restrictions on square footage and percentage of net developable area occupied by eating and drinking establishments, sales oriented and personal service uses. Although the City-mandated restrictions on square footage and percentage of net developable area not absolutely the same as this criterion, they nonetheless limited the amount of land area that can be occupied by commercial uses in the I-P zone and are therefore in keeping with the intent of this criterion.

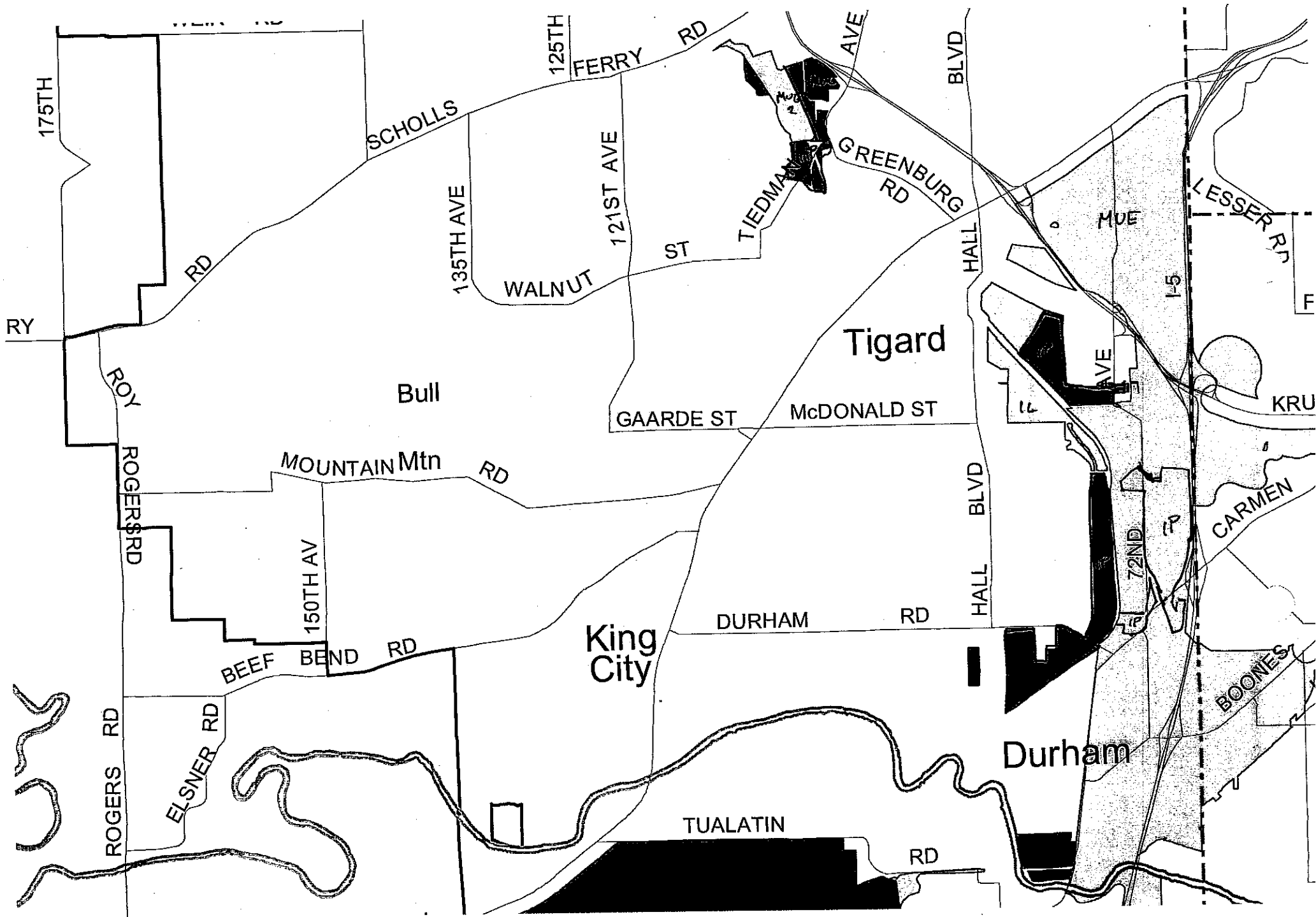
C. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor space and 10 percent more land area. (Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 02-969B, Sec. 5.)

APPLICANTS' COMMENT:

A review of City of Tigard's Industrial Zoning District standards, (Chapter 18.530), demonstrates that the type of restriction stipulated in this code criterion is already within Tigard's zoning code. Within Table 18.530.1 are uses listed with a "restricted" use category. Footnote #2 in Table 18.530.1 limits uses to 20% of the entire square footage within a development complex. Footnote #2 also limits retail uses to 60,000 square feet of gross leasable area/building or business. Although the City-mandated restrictions on square footage and leasable area not absolutely the same as this criterion, the zoning code nonetheless includes a restricted industrial use category within which limits can be placed on the continued use of industrial uses.

IV. CONCLUSION:

This supplemental narrative has been submitted at the request of the City of Tigard to address the Metro Urban Growth Management Functional Plan code section 3.07.430. (Protection of Industrial Areas) Evidence has been presented to address all applicable criteria within Metro code sections 3.07.430. Therefore, based on the evidence presented in this supplemental narrative, the applicant believes that the City can provide analysis to demonstrate that the subject zoning text amendment complies with Metro code section 3.07.430. (Protection of Industrial Areas that are not Regionally Significant Industrial Areas)



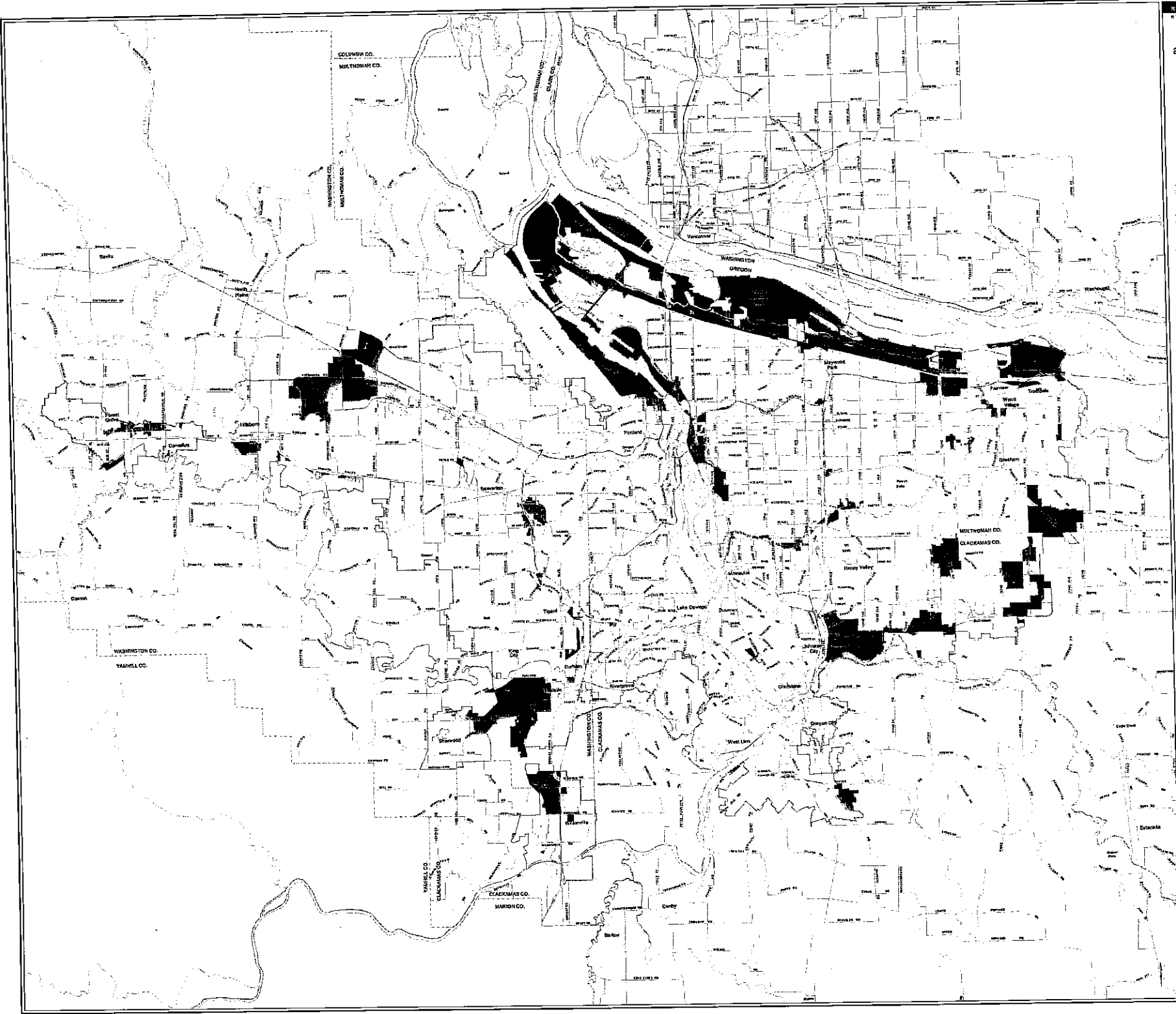
Title 4 Industrial and Employment Areas

Ordinance No. 04-1040

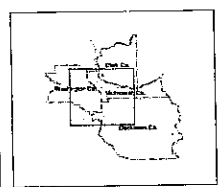
Exhibit C

04/14/04

- Employment Land
- Industrial Land
- Regionally Significant Industrial Areas



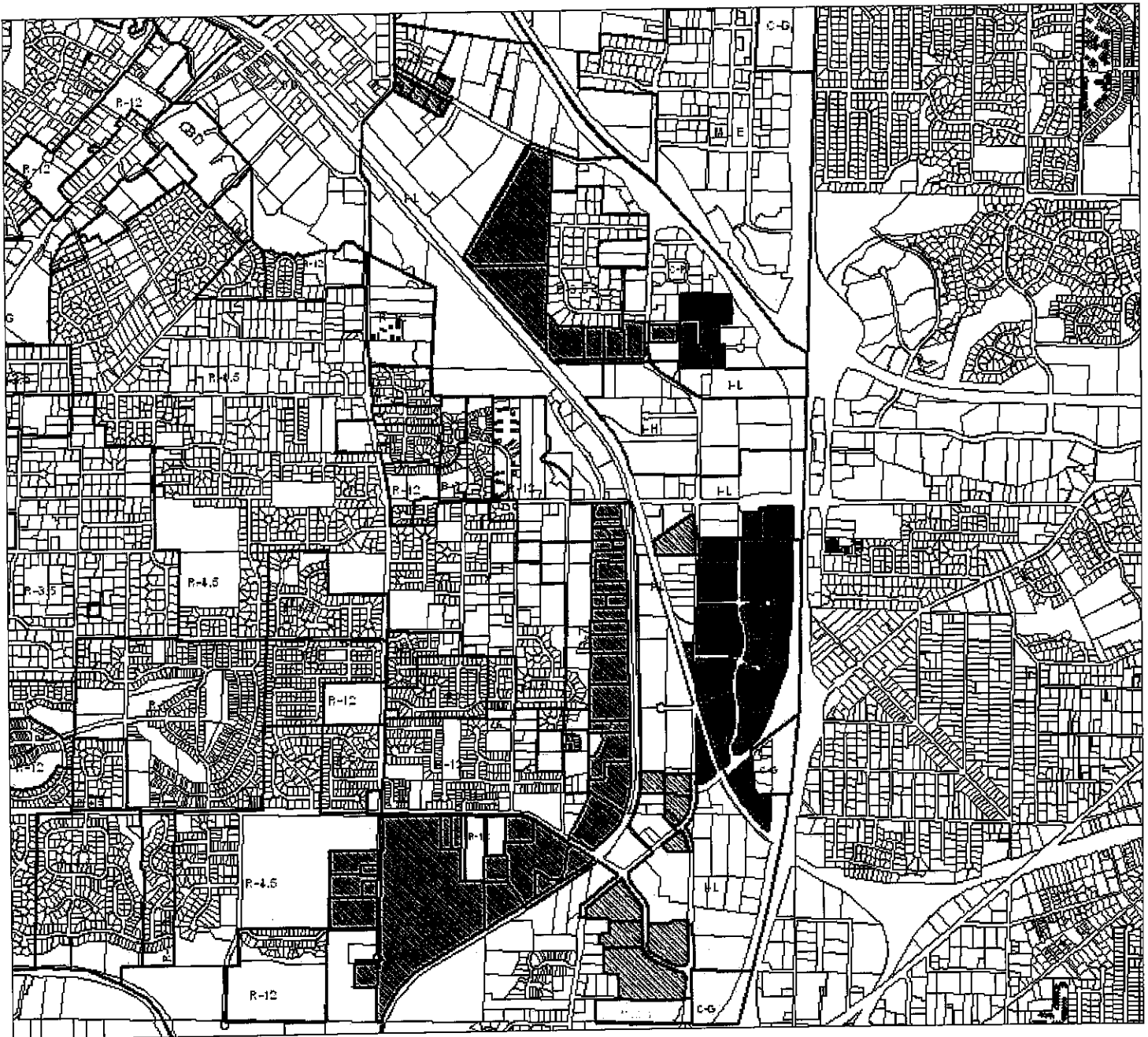
NOTES: 1. This map is a general representation of the information provided. It is not intended to be used for legal purposes. 2. The information on this map is derived from various sources and is subject to change without notice. 3. The information on this map is not intended to be used for legal purposes. 4. The information on this map is not intended to be used for legal purposes.





Location Map




Consolidated Map of Affected IP Zoned Parcels



 IP zoned parcels (east side of SW 72nd) that would allow "Bulk Sales" up to 60,000 square feet.

 IP zoned parcels that are excluded from bulk sales allowance based on being on west side of SW 72nd

 IP zoned parcels that are ineligible for "Bulk Sales" based on Metro Title 4 restrictions.

Methodology

Analysis of Industrial Park Zone Land Uses

- Windshield Survey Inventory of Current Land Uses
- Analysis by Geographic Subsections
- Each Business was assigned to a Tigard Use Category:
 - Residential
 - Civic
 - Commercial
 - Industrial
 - Other Use Type

Legend

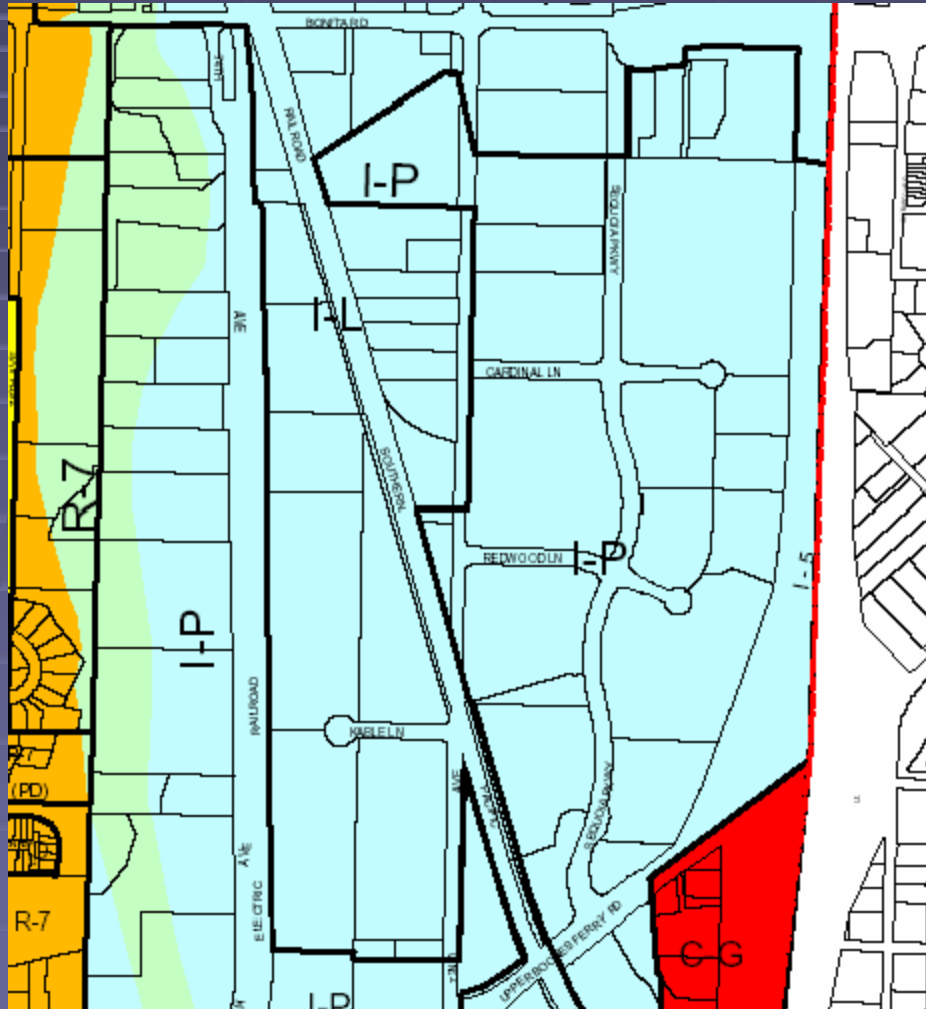
Zoning Classifications

- I-P – Industrial Park
- I-L – Light Industrial
- C-G – General Commercial
- C-P – Professional Commercial
- MUC – Mixed Use Commercial
- MUE – Mixed Use Employment
- (P-D) – Planned Development
- R-2 – 20,000 Sq Ft Min. Lot Size
- R-3.5 – 10,000 Sq Ft Min. Lot Size
- R-4.5 – 7,500 Sq Ft Min. Lot Size
- R-7 – 5,000 Sq Ft Min. Lot Size
- R-12 – 3,050 Sq Ft Min. Lot Size
- R-25 – 1,480 Sq Ft Min. Lot Size

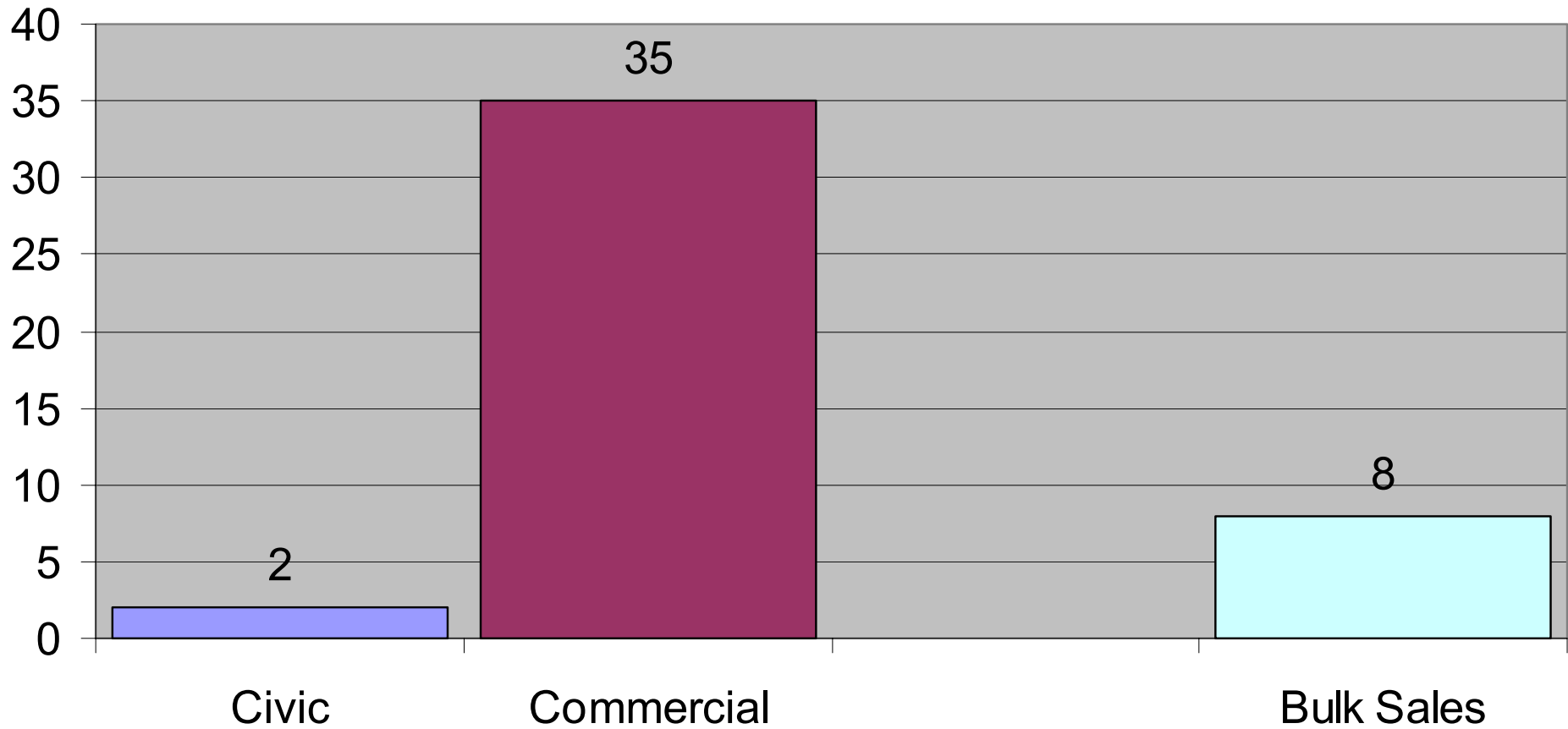
Color Key

-  Light Industrial
-  Open Space
-  Medium Density Residential
-  General Commercial
-  Mixed Use Commercial
-  Low Density Residential
-  Light Industrial
-  Medium-High Density Residential
-  Neighborhood Commercial

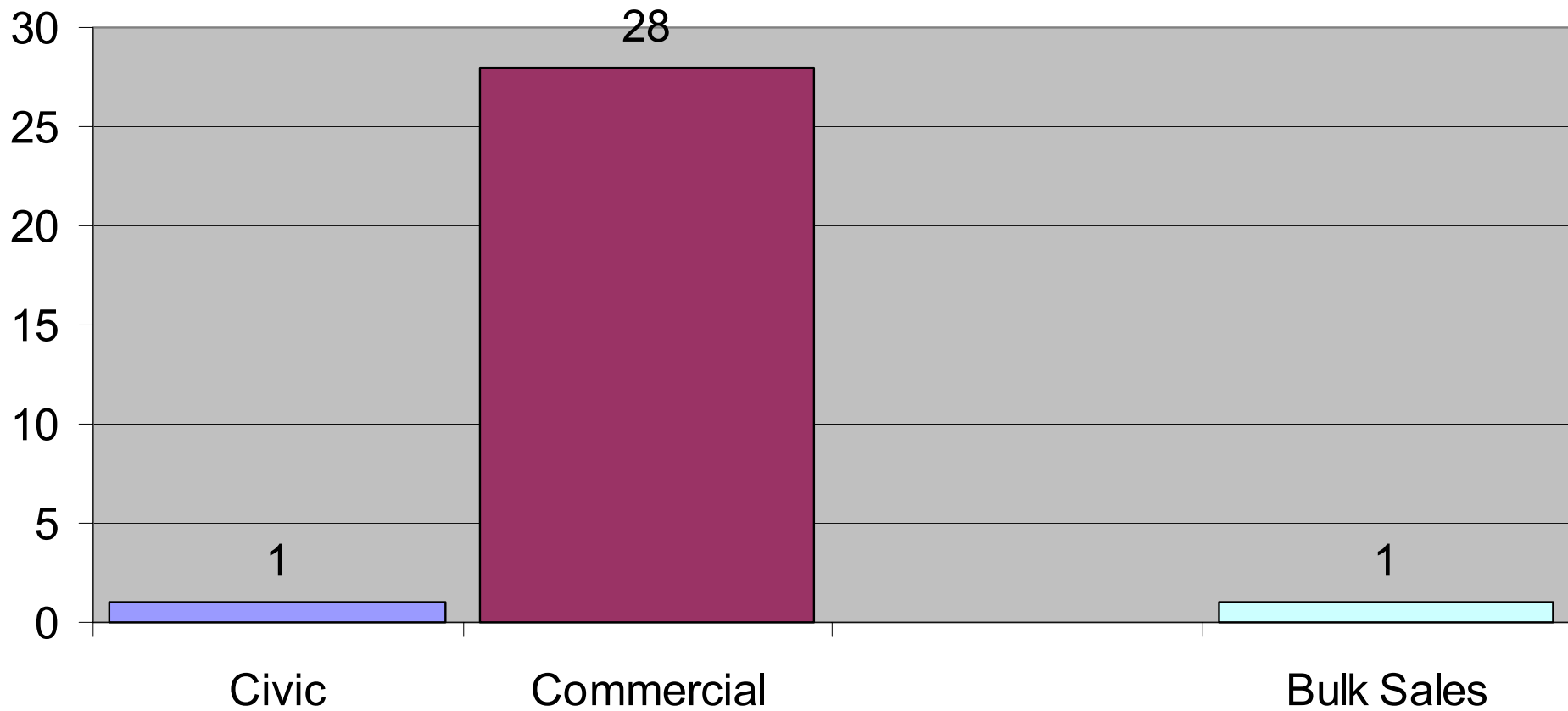
Sequoia



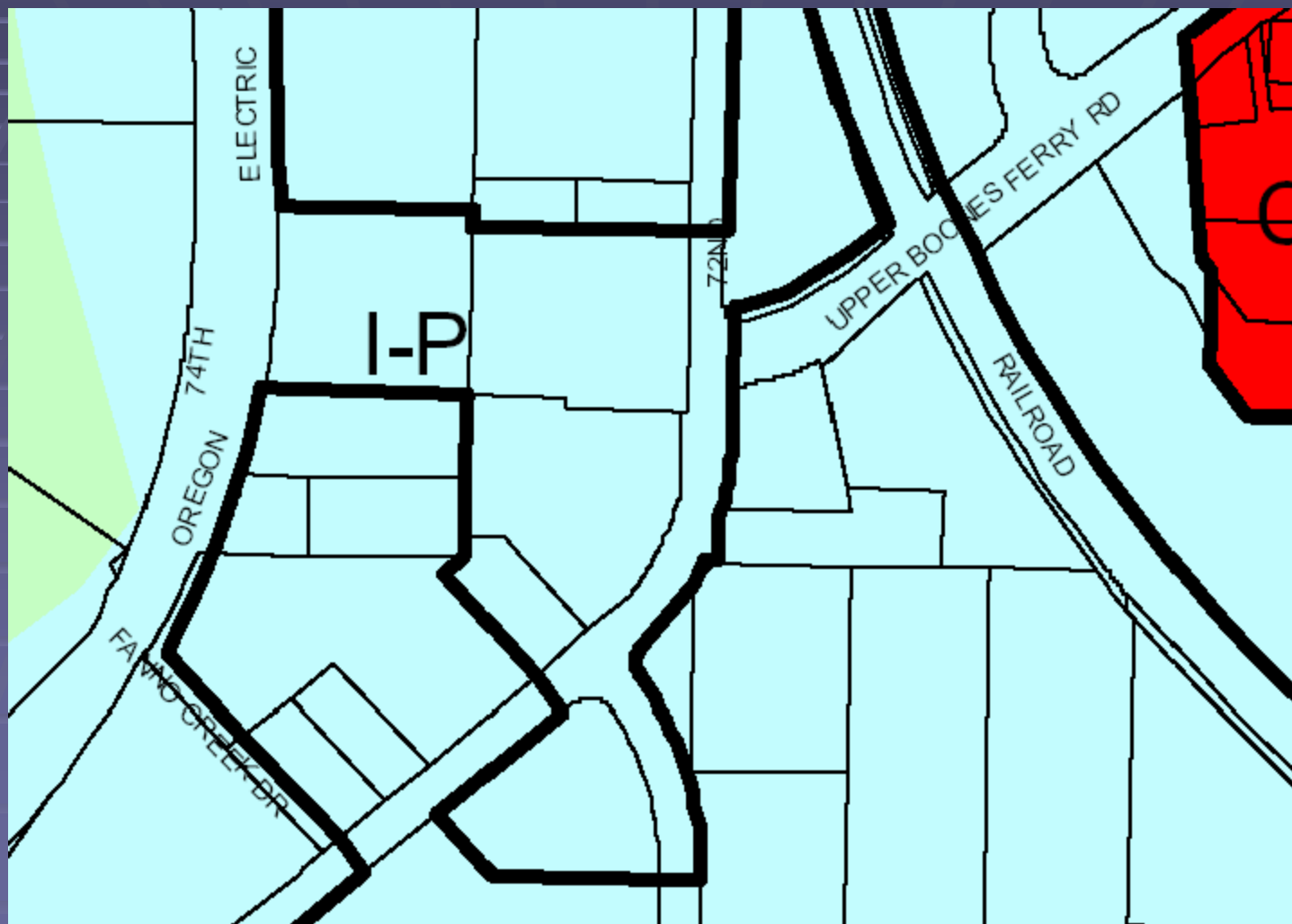
East Side of Sequoia to I-5



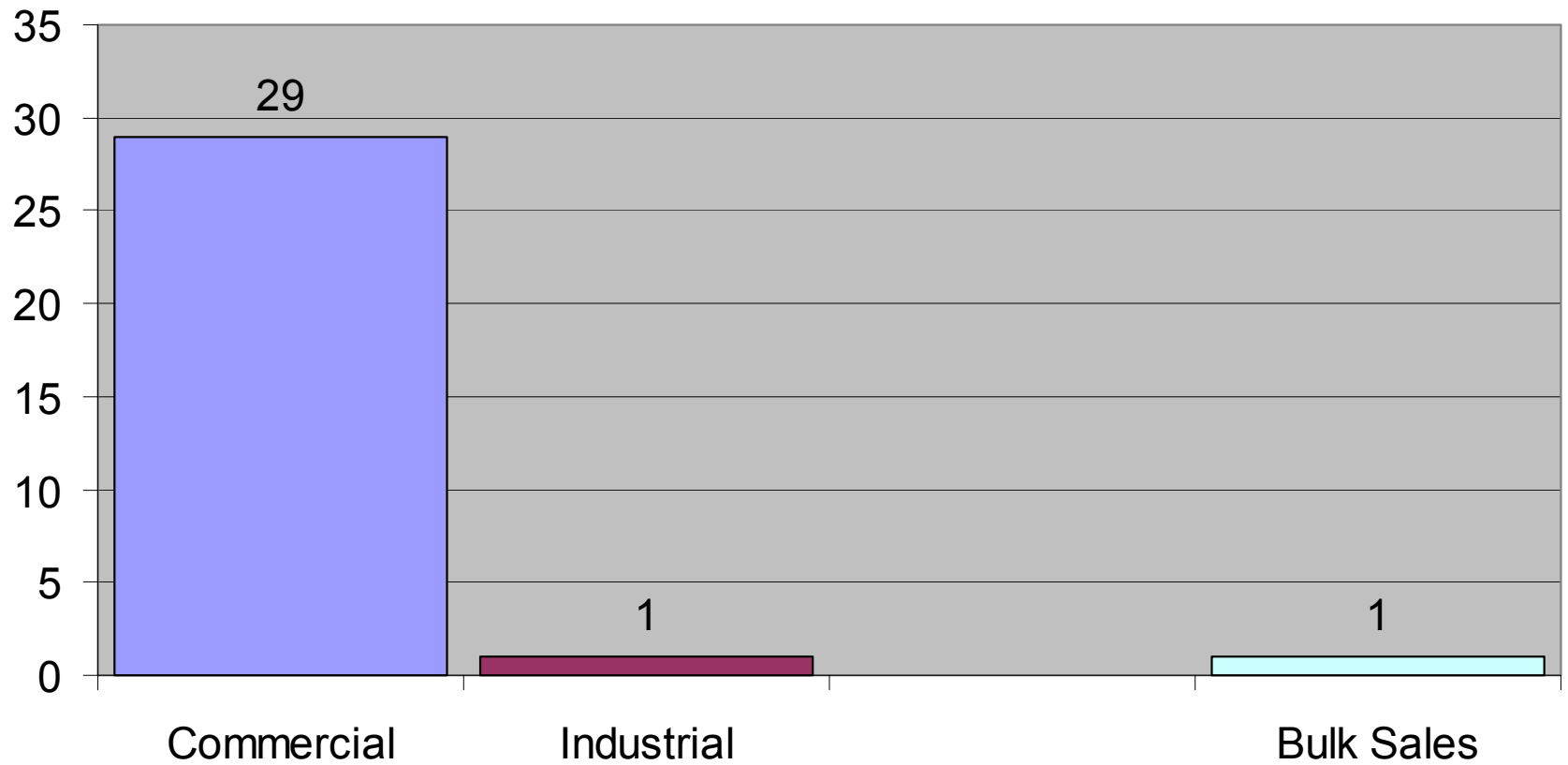
West Side of Sequoia



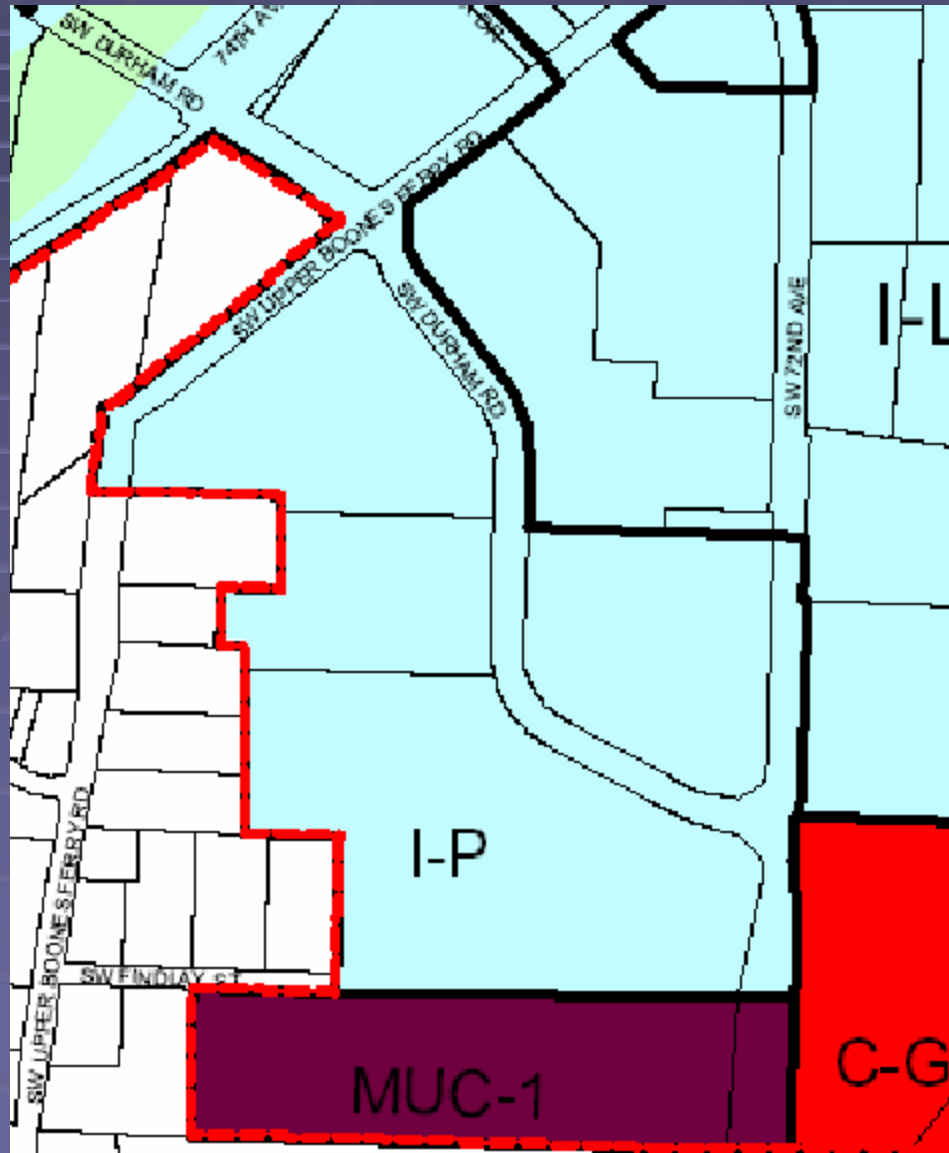
Strip Mall off SW 72nd



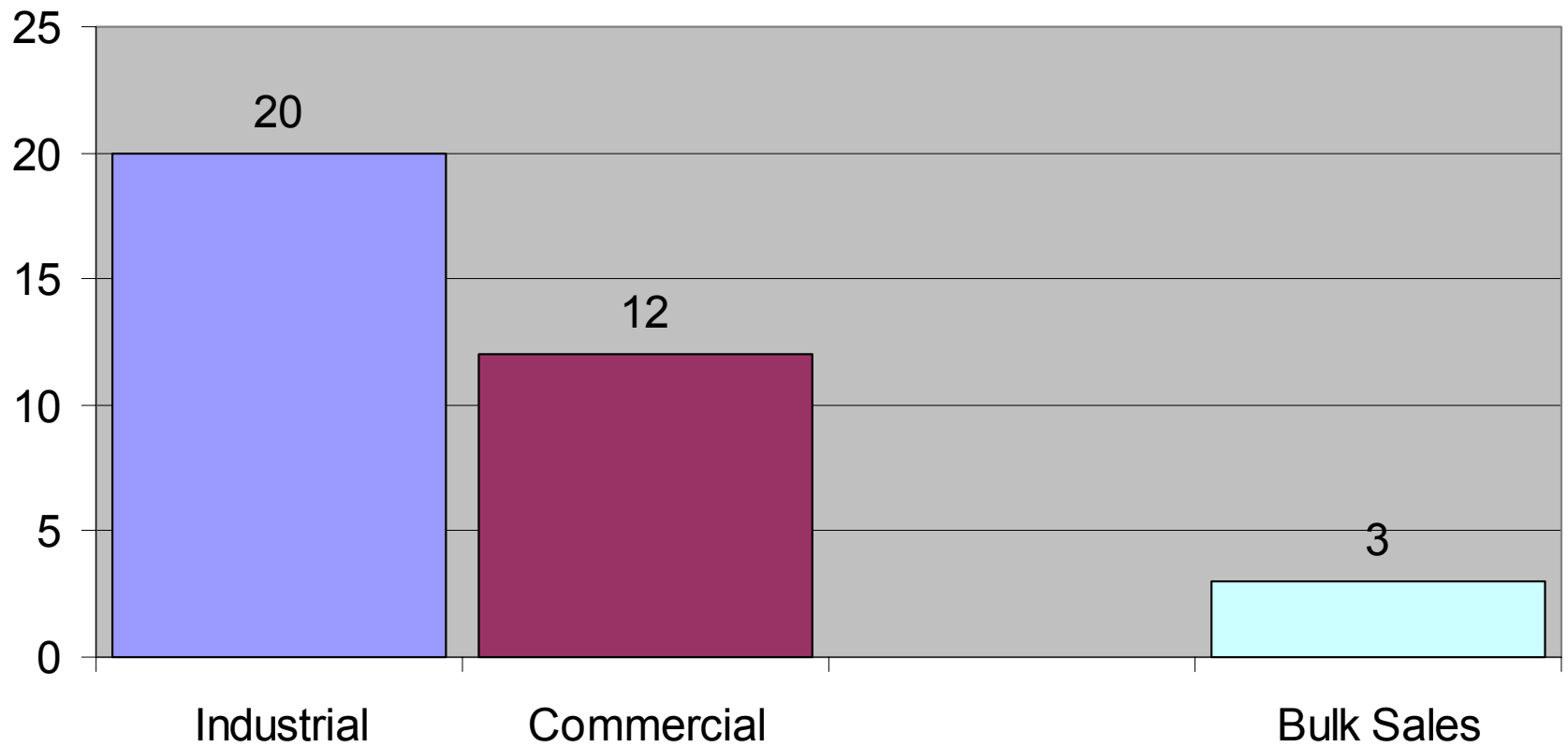
Strip Mall off SW 72nd



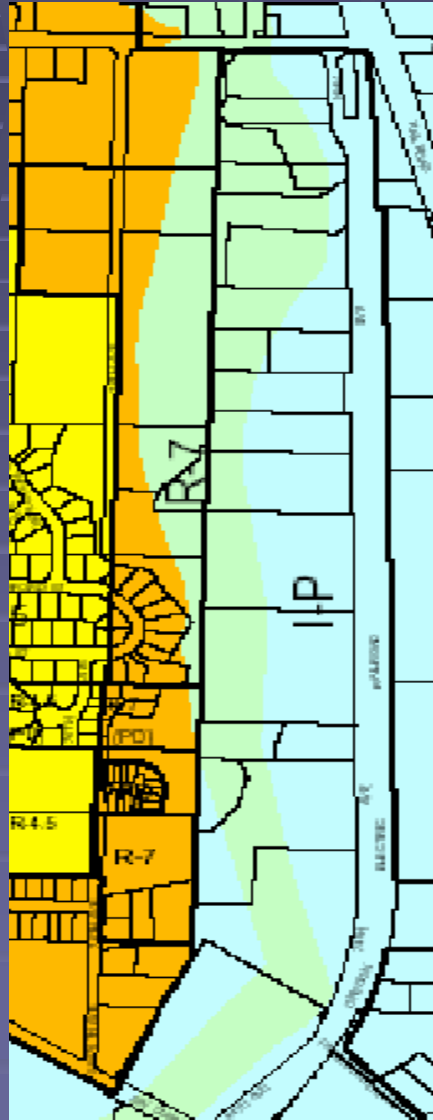
Upper Boones Ferry & Durham



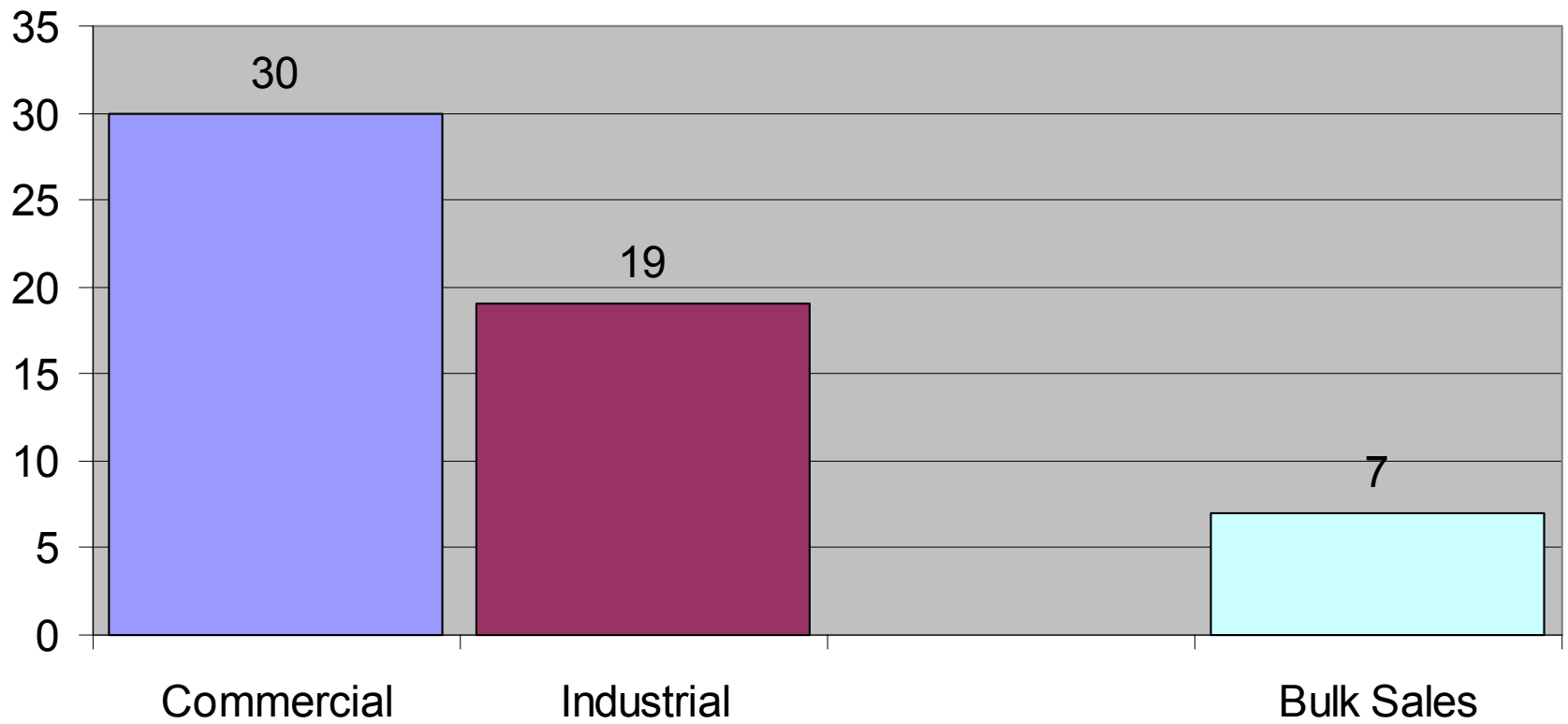
Upper Boones Ferry & Durham



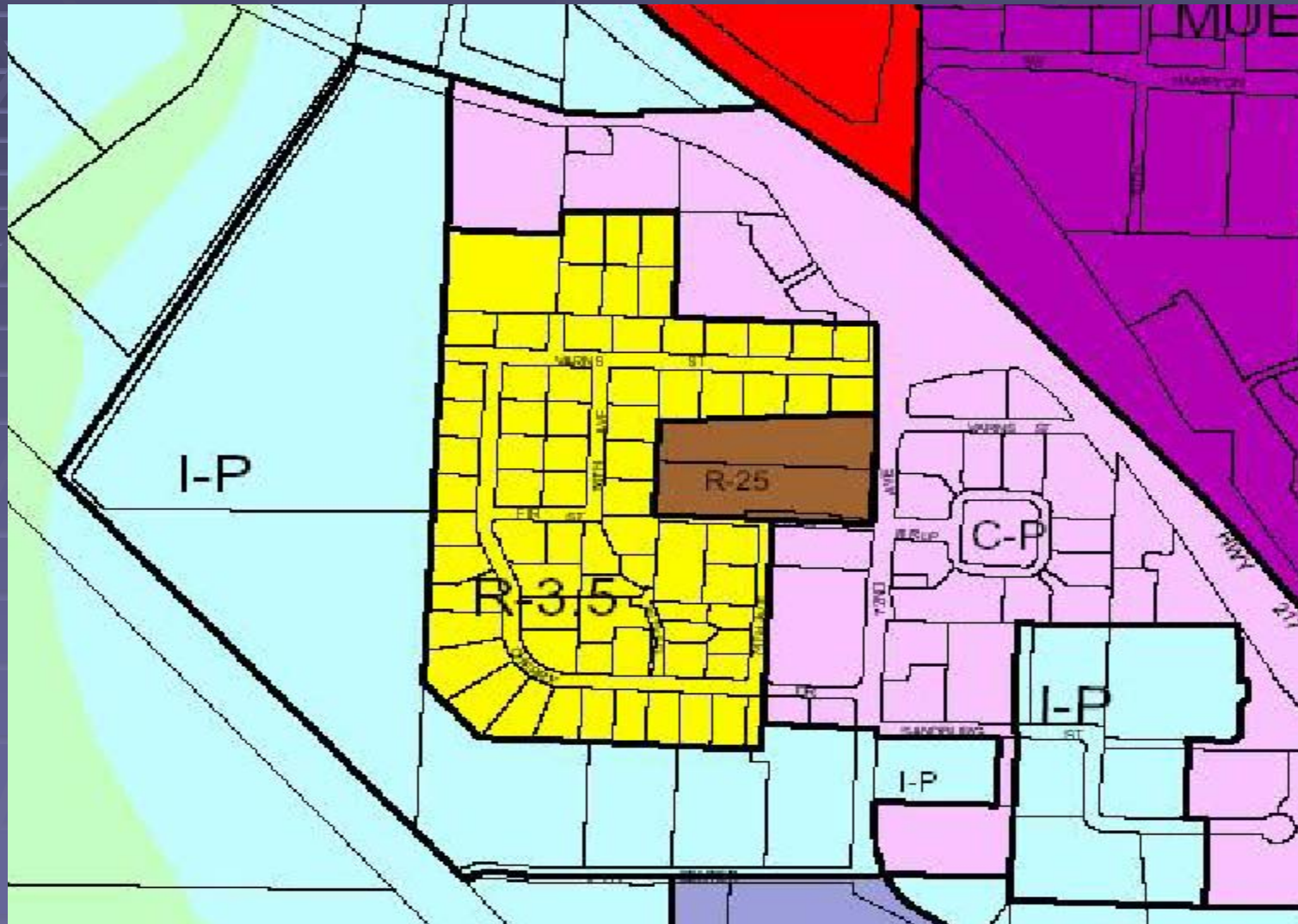
West of 74th



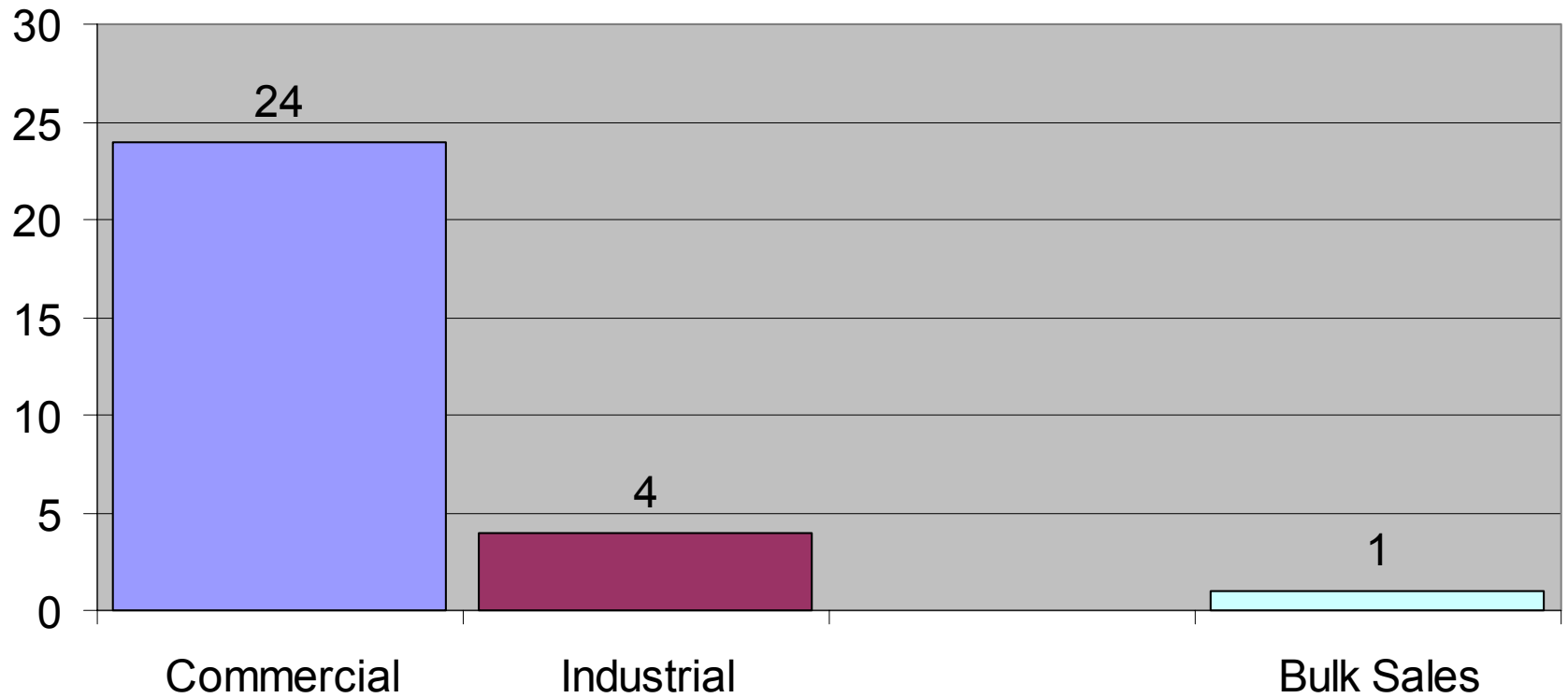
West of 74th



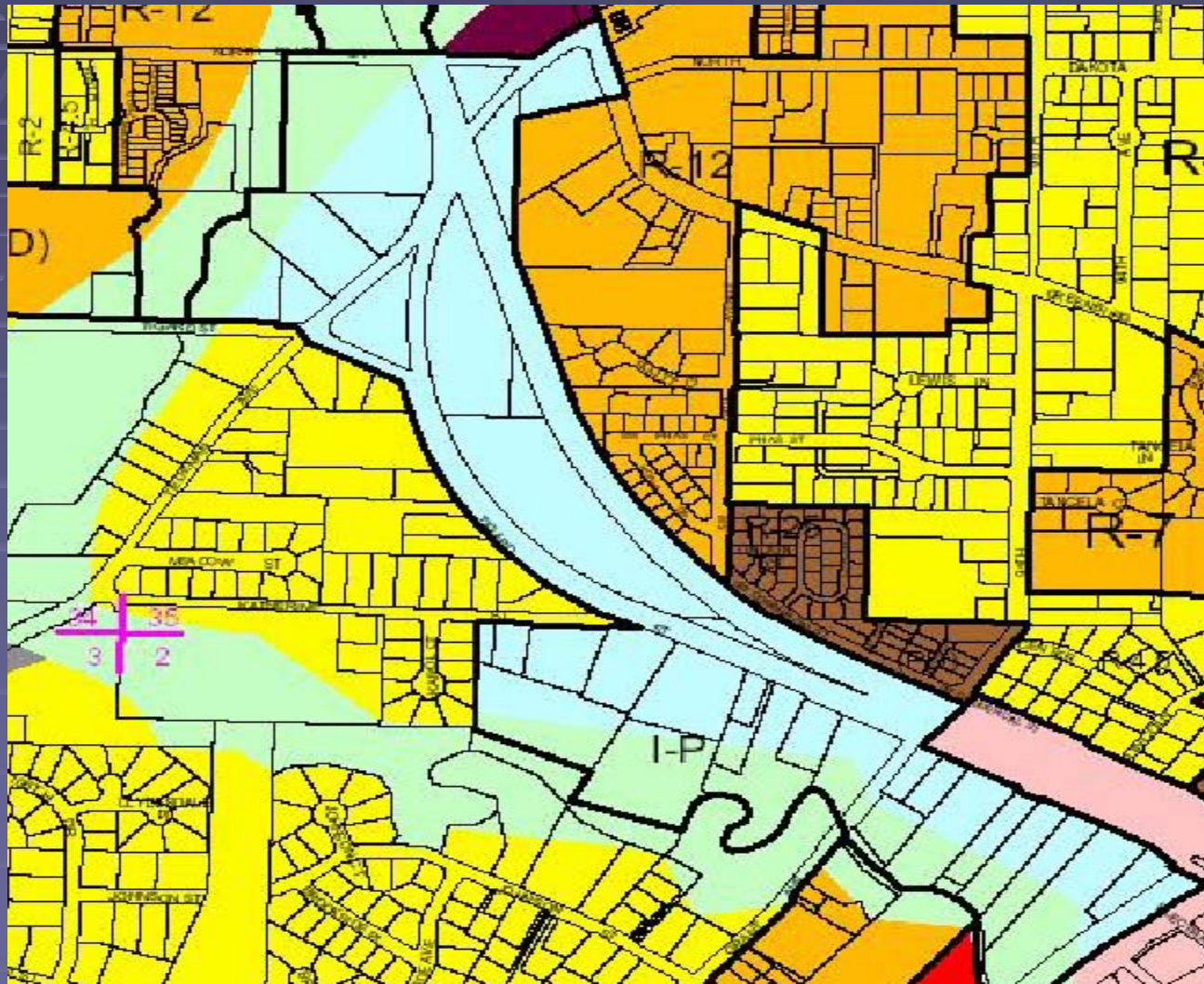
Hunziker and Sandburg



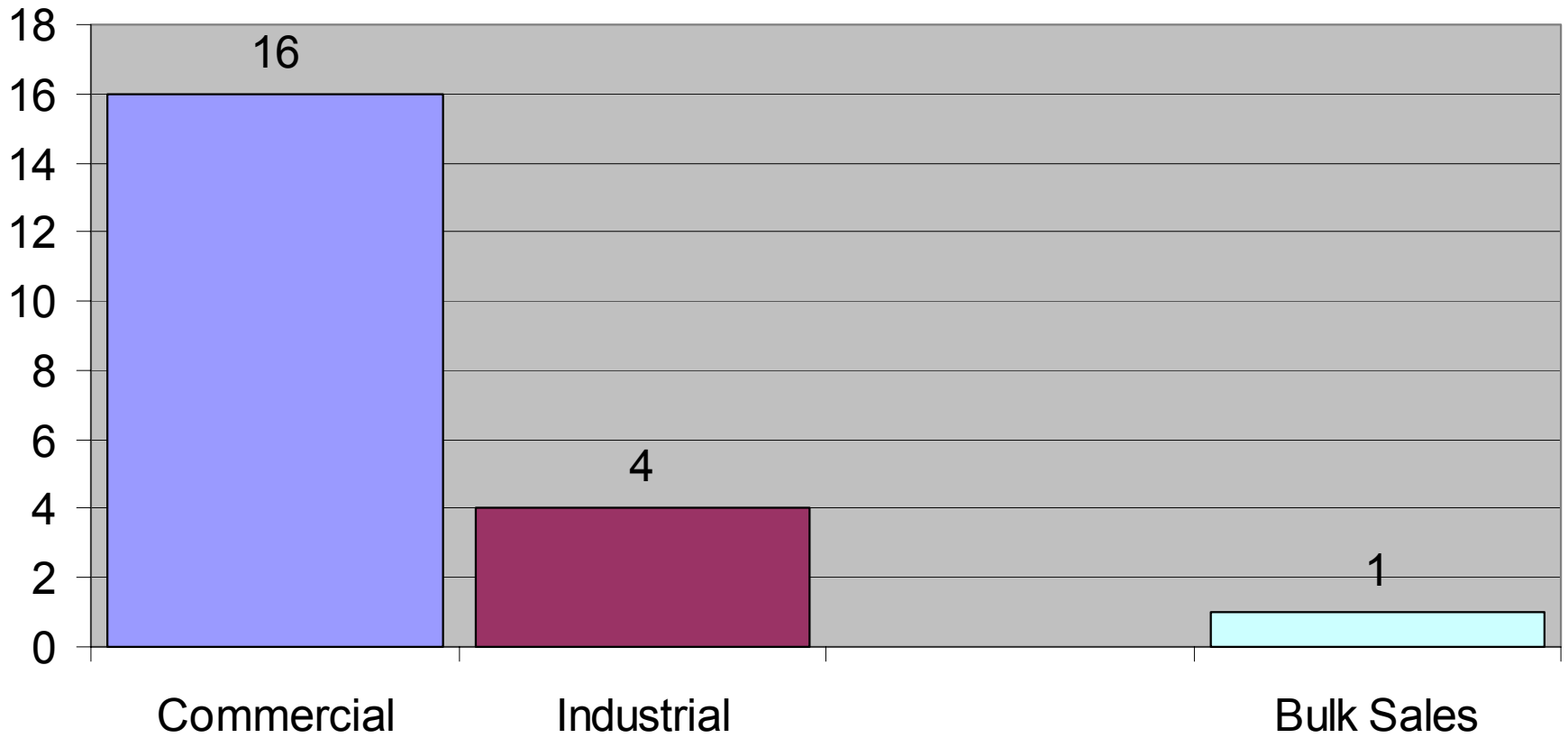
Hunziker and Sandburg



Tigard Street



Tigard Street



East Side of Sequoia to I-5

Business	Type	FS/SC	Bulk			Bulk Sales?		
Paul Schatz Furniture	Commercial/Retail	FS	Y	1	Commercial	1		
Atiyeh Bros	Commercial/Retail	FS	Y	1	Commercial	1		
Smetco	Vacant	FS	?					
John Barleycorn	Restaurant	FS	N	1	Commercial			
Home Depot	Commercial/Retail	FS	Y	1	Commercial	1		
Office Depot	Commercial/Retail	FS	Y	1	Commercial	1		
Sweet Tomatos	Restaurant	FS	N	1	Commercial			
Umpque Bank	Commercial	OB	N	1	Commercial			
Prov Medical Plaza	Service	FS	N	1	Civic		Civic	2
West Marine	Commercial/Retail	SC	Y	1	Commercial	1	Commercial	35
Tap Plastics	Commercial/Retail	SC	N	1	Commercial			
Big Town Hero	Restaurant	SC	N	1	Commercial		Bulk Sales	8
Damons	Vacant	SC	N	1	Commercial			
Starbucks	Restaurant	OB	N	1	Commercial			
Courtyard Marriotte	Hotel	FS	N	1	Commercial			
Lindal Ceder Homes	Commercial	SC	N	1	Commercial			
H2F Media	Service	SC	?	1	Commercial			
Precision Images	Service	SC	N	1	Commercial			
Total Building Products	Commercial/Office	SC	Y	1	Commercial	1		
Supply Rush	Commercial/Office	SC	N	1	Commercial			
Renaissance	Office	SC	?	1	Commercial			
Fun Liquidators	Commercial/Office	SC	?	1	Commercial			
BRC Spirits		SC	?	1	Commercial			
Keller Swartwood Ing	Service	SC	N	1	Commercial			
Severn Trent Labs	Service	SC	N	1	Commercial			
Compix Inc	Commercial	SC	N	1	Commercial			
Smith & Nephew	Service	SC	N	1	Commercial			
La Provence	Bakery	SC	N	1	Commercial			
Cool-amp Conducto-Lube	Commercial	SC	N	1	Commercial			
Interior Scapes	Service	SC	N	1	Commercial			
Oregon Data	Service	SC	N	1	Commercial			
Noble & Wolf Inc		SC	?	1	Commercial			
Companionlink Software	Service	SC	N	1	Commercial			
Rocking Horse Daycare	Service	SC	N	1	Civic			
Projectus	Commercial/Retail	SC	Y	1	Commercial	1		
Innovation Construction	Service	SC	N	1	Commercial			

Bugbyte Computers		SC	?	1	Commercial			
				36		8		

West Side of Sequoia

Business	Type	FS/SC	Bulk	Tigard Use Category	Bulk Sales? Yes = 1	
Orthopedics NW	Service	FS	N	Civic	1	
Captaris-Verison	Offices	SC	N	Commercial	1	
Oregonian	Service	SC	N	Commercial	1	
Honeywell	Service	SC	N	Commercial	1	
Uniglobe Travel	Service	SC	N	Commercial	1	
Verison	Commercial/Retail	SC	N	Commercial	1	
Bally Fitness	Service	FS	N	Commercial	1	Civic 1
Saif Corporation	Offices	SC	N	Commercial	1	Commercial 28
Verizon Wireless	Offices	SC	N	Commercial	1	
Siemens	Offices	SC	N	Commercial	1	Bulk Sales 1
Napier & Co	Service	SC	N	Commercial	1	
Lingo Systems	Offices	SC	N	Commercial	1	
Hewlett Packard	Offices	SC	N	Commercial	1	
Agilent Technologies	Offices	SC	N	Commercial	1	
I-Sence	Offices	SC	N	Commercial	1	
Geo Engineers	Service	SC	N	Commercial	1	
J.C.Reeves	Service	SC	N	Commercial	1	
Westlake Consulting	Service	SC	N	Commercial	1	
Eshelon Telecom	Service	SC	N	Commercial	1	
Prud Properties	Service	SC	N	Commercial	1	
Mediware	Offices	SC	N	Commercial	1	
Commonwealth Real	Service	SC	N	Commercial	1	
Sterling Internet Solu	Service	SC	N	Commercial	1	
U.M.D. Technology	Service	SC	N	Commercial	1	
Geo Design	Service	SC	N	Commercial	1	
United Pipe & Supply	Commercial/Retail	FS	Y	Commercial	1	
Ryder Truck Rental	Commercial/Service	FS	N	Commercial	1	
Alpha Computers	Offices	FS	N	Commercial	1	
Pitman Brooks	Service	FS	N	Commercial	1	
					29	

Strip Mall off SW 72nd

Business	Type	FS/SC	Bulk	Tigard Use Category	Bulk Sales? Yes = 1		
Cascade Comp Mait	Service	SC	N	Commercial	1		
Dominos Pizza	Restaurant	SC	N	Commercial	1		
Lees Cleaners	Service	SC	N	Commercial	1		
Signs Now	Service	SC	N	Commercial	1		
VW Mart	Service/Retail	SC	N	Commercial	1		
Subway	Restaurant	SC	N	Commercial	1		
Teriyaki Express	Restaurant	SC	N	Commercial	1		
El Sol De Mexico	Restaurant	SC	N	Commercial	1		
Northwest Rugs	Commercial/Retail	SC	Y	Commercial	1		
T-Mobile USA	Offices	OB	N	Commercial	1		
Tolt Technologies	Offices	OB	N	Commercial	1		
Pierre' Amelotte Int	Offices	OB	N	Commercial	1		
HCM	Offices	OB	N	Commercial	1		
Green Wood Products	Offices	OB	N	Commercial	1		
Dept Of Human Res	Offices	OB	N	Commercial	1		
Chem West Systems	Industrial	FS	N	Industrial	1		
American Fam Ins	Service	SC	N	Commercial	1		
Salon Pacific	Service	SC	N	Commercial	1		
Bunce Palmer CPA's	Service	OB	N	Commercial	1		
Chaffey Corp	Offices	OB	N	Commercial	1		
Computation Inc	Offices	OB	N	Commercial	1		
Indpend Paper Mkg	Offices	OB	N	Commercial	1		
Qualcomm Inc	Offices	OB	N	Commercial	1		
Republic Morg Ins	Service	OB	N	Commercial	1		
Protection One	Service	SC	N	Commercial	1		
Pacific Star Production	Offices	SC	N	Commercial	1		
Corporate Express	Service	SC	N	Commercial	1		
V.F. Leasing	Service	SC	N	Commercial	1		
Medical Spec Solution	Service	SC	N	Commercial	1		
Geoga Pacific	Offices	SC	N	Commercial	1		
						Commercial	29
						Industrial	1
						Bulk Sales	1

Upper Boones Ferry & Durham

Business	Type	FS/SC	Bulk	Tigard Use Category	Bulk Sales? Yes = 1		
Advantest	Whse/Office	WC	?	Industrial	1		
Stash Tea Corp	Whse/Office	WC	N	Industrial	1		
North American World	Whse/Office	WC	?	Industrial	1		
Commyni-K	Whse/Office	WC	?	Industrial	1		
Otis Elevator	Whse/Office	WC	N	Industrial	1		
Super Floors	Whse/Office	WC	Y	Industrial	1		
Bassit Furniture	Whse/Office	WC	Y	Industrial	1		
Associated Bus Syms	Whse/Office	WC	?	Industrial	1		
Vision Bus Products	Whse/Office	WC	?	Industrial	1		
Brighton Eletronics	Whse/Office	WC	?	Industrial	1		
CNC Polymers Inc	Industrial	WC	N	Industrial	1		
Kingston	Whse/Office	WC	?	Industrial	1		
Metro One	Whse/Office	WC	N	Industrial	1		
Hauge Prov Of Ore	Whse/Office	WC	N	Industrial	1		
LFI Inc	Whse/Office	WC	?	Industrial	1		
Lenay Products	Whse/Office	WC	?	Industrial	1		
Northwest Roller	Industrial	WC	N	Industrial	1		
Johnstone Supply	Commercial	WC	Y	Commercial	1		
Copytronics	Service	WC	?	Commercial	1		
Arlenco Distribution	Whse/Office	WC	?	Industrial	1		
Joslin Sales	Whse/Office	WC	?	Industrial	1		
Stash Tea Corp	Whse/Office	WC	N	Industrial	1		
Connect-Air Intl	Offices	SC	?	Commercial	1		
Earth Protection Ser	Offices	SC	?	Commercial	1		
LPM Systems	Offices	SC	?	Commercial	1		
TZ Medical	Offices	SC	?	Commercial	1		
Proline Sales & Mktg	Offices	SC	?	Commercial	1		
Consolidated Imfo Ser	Offices	SC	N	Commercial	1		
Coram Health Care	Offices	SC	N	Commercial	1		
Amec	Offices	SC	?	Commercial	1		
Sonetics/Flightcom	Offices	SC	?	Commercial	1		
Geopacific Engineering	Service	SC	N	Commercial	1		
					32		
						Industrial	20
						Commercial	12
						Bulk Sales	3

West of 74th

Business	Type	FS/SC	Bulk	Tigard Use Category	Bulk Sales? Yes = 1	
Elmo Studds	Commercial/Retail	FS	Y	Commercial	1	1
Allstate Ins	Service	OB	N	Commercial	1	
Life Era Inc	Offices	OB	N	Commercial	1	
Rockwell Automation	Offices	OB	N	Commercial	1	
Landau Associates	Offices/whse	SC	N	Industrial	1	
Siren Net.Com	Offices/whse	SC	N	Industrial	1	
McLoughlin&Eardley	Offices/whse	SC	N	Industrial	1	Commercial 30
Cachet Home Furnish	Commercial/Retail	SC	Y	Commercial	1	1 Industrial 19
Exhibits Northwest	Commercial	SC	Y	Commercial	1	1
Classic Sign System	Commercial	SC	N	Commercial	1	Bulk Sales 7
Geoline Postioning	Offices/whse	SC	N	Industrial	1	
Gre Con	Offices/whse	SC	?	Industrial	1	
Live Wire Tech	Offices/whse	SC	N	Industrial	1	
Cognex	Offices/whse	SC	N	Industrial	1	
Brand Athletics	Offices/whse	SC	?	Industrial	1	
Brand Innovators	Offices/whse	SC	?	Industrial	1	
Sportech	Offices/whse	SC	?	Industrial	1	
Retro 3 Contractors	Service	SC	N	Commercial	1	
Thai Orchid	Offices/whse	SC	N	Industrial	1	
Cent Station Steam	Offices/whse	SC	?	Industrial	1	
Stompbox Music	Offices/whse	SC	?	Industrial	1	
Brakeaway Products	Offices/whse	SC	?	Industrial	1	
Collectors Press	Commercial	SC	N	Commercial	1	
FG&T Construction	Service	SC	N	Commercial	1	
Dry-B-Lo	Service	SC	N	Commercial	1	
SLS Custom Homes	Service	SC	N	Commercial	1	
A.D.Cook Fine Art	Commercial/retail	SC	Y	Commercial	1	1
Stay N power	Service	SC	N	Commercial	1	
Gma Costruction	Service	SC	N	Commercial	1	
NW Airoospace Support	Offices/whse	SC	N	Industrial	1	
Tom Posey Co	Offices/whse	SC	?	Industrial	1	
Affordable Glass&Mirr	Commercial/Retail	SC	Y	Commercial	1	1
Convenient House Wa	Offices/whse	SC	?	Industrial	1	
Paradise Auto Care	Service	FS	N	Commercial	1	
Sharp & Asso Const	Service	FS	N	Commercial	1	

Westcoast Coating	Service	FS	N	Commercial	1	
Meyer Sigh Co	Commercial	FS	N	Commercial	1	
Interstate Roofing	Commercial	FS	N	Commercial	1	
Fabric Gallery	Commercial/Retail	SC	Y	Commercial	1	1
Blackhawk Comm	Commercial	SC	N	Commercial	1	
Precision Garage Door	Commercial	SC	N	Commercial	1	
Scottie Mac	Offices/whse	SC	?	Industrial	1	
Maher Irish Dance St	Commercial	SC	N	Commercial	1	
Thermal Flo	Commercial/service	SC	N	Commercial	1	
Classic Interiors	Commercial	SC	Y	Commercial	1	1
Perf Power Concepts	Offices/whse	SC	N	Industrial	1	
West Hills Catering	Commercial	SC	N	Commercial	1	
Action Fundraising	Service	SC	N	Commercial	1	
Lakeside Motors	Service	FS	N	Commercial	1	
					49	

Hunziker and Sandburg

Business	Type	FS/SC	Bulk	Tigard Use Category	Bulk Sales? Yes = 1	
Chinook Trading		SC	?	Commercial	1	
Covert Engineers	Service	SC	N	Commercial	1	
Blue Wire		SC	?	Commercial	1	
Selectron		SC	N	Commercial	1	
Fax Back Inc		SC	N	Commercial	1	
Viable Links		SC	N	Commercial	1	
CSM		SC	?	Commercial	1	
ACS Testing	Service	SC	N	Commercial	1	
Allied Van Lines	Service	FS	N	Commercial	1	
Pro Source	Commercial	WC	N	Commercial	1	
Gensco		WC	?	Commercial	1	
Central Sprinkler	Commercial	WC	N	Commercial	1	Commercial 24
All Phase	Industrial	WC	N	Industrial	1	Industrial 4
Port Plastics	Industrial	WC	N	Industrial	1	
H.J. Arnett Ind	Industrial	WC	N	Industrial	1	Bulk Sales 1
Telecom Labs Inc		WC	N	Industrial	1	
Sensory		WC	N	Commercial	1	
Stowaway 2	Commercial	WC	Y	Commercial	1	1
Spectra Floors	Commercial	WC	N	Commercial	1	
Perlo McCormack Pac	Offices	FS	N	Commercial	1	
Progressive Insur	Service	FS	N	Commercial	1	
Climate Conditioning	Service	SC	N	Commercial	1	
Amer Lazertech		FS	N	Commercial	1	
Northwest Med Teams	Service	FS	N	Commercial	1	
Tigard Tual Admin	Service	FS	N	Commercial	1	
Western Freezer	Commercial	FS	N	Commercial	1	
TOC Mgt Services	Service	FS	N	Commercial	1	
Western Family	Commercial	FS	N	Commercial	1	

Tigard Street

Business	Type	FS/SC	Bulk	Tigard Use Category	Bulk Sales? Yes = 1	
Kadels Auto Body	Service	FS	N	Commercial	1	
Allas Construction	Service	SC	N	Commercial	1	Commercial 16
Closets To GO	Commercial/Retail	SC	Y	Commercial	1	Industrial 4
Northwest Refinishing	Industrial	SC	N	Industrial	1	
Western Plumbing	Service	SC	N	Commercial	1	Bulk Sales 1
Greenway Electric	Commercial	SC	N	Commercial	1	
PDI Group		SC	N	Commercial	1	
Precian Test & Bal	Service	SC	N	Commercial	1	
Fry Electronics		SC	?	Commercial	1	
JTD Inc	Industrial	SC	N	Industrial	1	
NW Dryer	Industrial	SC	N	Industrial	1	
Barrier Corp	Commercial	SC	N	Commercial	1	
Innovite		SC	?	Commercial	1	
Endurance Product		SC	?	Commercial	1	
Pak-Daddys		SC	?	Commercial	1	
Westside Dance Acd	Commercial/Service	SC	N	Commercial	1	
AFM Wholesale	Commercial	FS	N	Commercial	1	
Willamitte Electric	Commercial	FS	N	Commercial	1	
JND Fire Spinkler	Industrial	SC	N	Industrial	1	
JBC Roofing	Commercial	SC	N	Commercial	1	

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Revised City/TriMet MOU

PREPARED BY: Duane Roberts DEPT HEAD OK  CITY MGR OK

ISSUE BEFORE THE COUNCIL

Should Council approve a revised City/TriMet Memorandum of Understanding (MOU) for improving local transit services?

STAFF RECOMMENDATION

Staff recommends Council approve the revised MOU as written.

INFORMATION SUMMARY

In 2003, Tigard became the first suburban city selected by TriMet as a target for local service and pedestrian improvements. In December of last year, Council considered and adopted a memo of understanding (MOU) with TriMet to formalize a partnership to plan for these improvements. Within the MOU, each party commits to working together during the next three years to put new ideas for local transit improvements into action. The agreement carries out Council's long term goal of improving access to transit.

Council's November 16, 2004, packet included a draft copy of revised MOU for Council's information and consideration. At the November meeting, Jim Hendryx indicated that staff would return to Council in December for adoption of the revised MOU. A copy of the new MOU is attached. Why change the MOU? As highlighted in the November 16th staff report, the reason for changing the MOU is twofold. First and most important is that the timeframe of the original MOU was tied to the completion date for Commuter Rail. The new MOU reflects the change in Commuter Rail startup to FY 07 from FY 06. Second, the new MOU includes some language changes requested by TriMet's legal office. None of these change the substance of the original agreement. A benefit to Tigard of revising the MOU as proposed is the additional year of transit agency time and attention the City will receive.

The updated MOU has been reviewed and approved by the City Attorney as to form.

OTHER ALTERNATIVES CONSIDERED

None considered.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Transportation and Traffic Goal #3, "Alternative modes of transportation are available and use is maximized."

ATTACHMENT LIST

FISCAL NOTES

The agreement does not involve the obligation of City funds. Implementation of proposed capital improvements will depend on funding availability as part of each organization's annual budget process.

i/citywide/triMet.MOU.revised

MEMORANDUM OF UNDERSTANDING

DEVELOPMENT OF TIGARD ACCESS PLAN **PLANNING**

Dated: October 7, 2004

Among: The Tri-County Metropolitan Transportation District of Oregon, a mass transit district organized under the laws of the State of Oregon ("TriMet")

And: The City of Tigard, a municipal corporation organized under the laws of the State of Oregon ("Tigard")

RECITALS

A. TriMet owns and operates a public mass transit system serving the Portland metropolitan area including a rail system operating from the City of Gresham to the City of Hillsboro. Together with Washington County, TriMet is currently planning to construct the Wilsonville to Beaverton Commuter Rail Project ("Commuter Rail"), a 14.7-mile commuter rail line between Beaverton Transit Center and Wilsonville.

B. Development of Commuter Rail in the Highway 217 corridor provides TriMet and Tigard with a unique opportunity to cooperatively achieve their common goals in the Tigard area (the "Area").

C. TriMet and Tigard are committed to developing a Tigard access plan (the "Access Plan") to provide for a comprehensive process that will capitalize on the regional efforts surrounding Commuter Rail, in order to improve access, leverage public and private investments, and enhance and promote mobility options in the Area.

D. This Memorandum of Understanding is intended to document the understandings of TriMet and Tigard with respect to development of the Access Plan.

UNDERSTANDINGS

1. **Development of Access Plan/Planning Coordination of Projects.** It is understood that TriMet and Tigard will meet regularly to develop the Access Plan which efforts shall entail coordination by the parties in planning for projects related to improving access to public transit in the Corridor. The particular projects selected for planning to be included in the Access Plan shall be subject to the mutual agreement of the parties. Types of projects to be included in the Access Plan may include, but not necessarily be limited to:

- Bus stop improvements
- Transit preferential improvements for buses

- Pedestrian access improvements
- Bike access improvements
- Public Information (maps, etc.)

In addition to development of the Access Plan, a final report prepared by the parties will identify longer term projects.

2. **Changes to Bus Routes:** It is understood that TriMet will examine and may implement changes to bus routes in order to improve access to public transit in the Area.

3. **Community Outreach:** It is understood that, in order to involve community members in all aspects related to the Access Plan, TriMet and the City will develop and implement a community outreach strategy targeted toward the diverse community and business members that comprise the Corridor.

4. **General Provisions:**

a. **Term:** This Memorandum of Understanding shall be in effect from December 1, 2004 through the opening of Commuter Rail, and may be extended by mutual agreement of the parties hereto.

b. **Withdrawal:** Either party may withdraw from this Memorandum of Understanding, without penalty or liability of any nature, by providing the other party to this Memorandum of Understanding with ninety (90) days prior written notice of its intent to do so.

c. **Independent Contractors; No Agency:** In connection with this Memorandum of Understanding, each party is an independent contractor for all purposes and will have no authority to bind or commit the other.

d. **No Third Party Beneficiaries:** TriMet and Tigard are the only parties to this Memorandum of Understanding, and as such are the only parties entitled to enforce its terms. Nothing in this Memorandum of Understanding gives or shall be construed to give or provide any benefit, direct, indirect or otherwise, to any third party unless such third party is expressly described by name in a modification or amendment to the Memorandum of Understanding, and such third party is intended by the parties hereto to be a beneficiary of such modification or amendment to this Memorandum of Understanding.

e. **Notices:** All notices and communications under this Memorandum of Understanding shall be directed to the representatives designated below:

For Tri-Met: Tom Mills
Tri-Met
4012 SE 17th Avenue
Portland, Oregon 97202
(503) 962-4883

For Tigard: Duane Roberts
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
503-639-4171 ext 2444

Any notices or communications hereunder shall be in writing and deemed effective if deposited in U.S. Mail (Certified return receipt), hand delivered, or transmitted by facsimile with successful confirmation.

f. **Integration:** This MOU contains the entire agreement between the parties as to the subject matter of this MOU and the parties have no obligations except as expressly stated herein. Any waiver, consent, modification, amendment or change to the terms of this MOU must be in writing and signed by the authorized representatives of each party to be effective and binding.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding effective for the dates noted herein.

**TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF
OREGON (TRIMET)**

CITY OF TIGARD

By: _____
Fred Hansen
General Manager

By: _____
Craig Dirksen
Mayor

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Adopt Amended Master Fees for Long Range Planning
PREPARED BY: Jim Hendryx DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Adoption of a resolution amending Resolution No. 04-37 by amending and increasing certain land use planning fees.

STAFF RECOMMENDATION

Council directed staff to proceed with developing a long range planning fee to help off-set the costs of completing long range planning studies and projects. Staff recommends that Council adopt a resolution amending Resolution 04-37 and increase certain land use fees.

INFORMATION SUMMARY

In July 2003, Council discussed the potential of instituting an application fee that would support long range planning activities. The fee would help offset the cost of having outside resources involved in completing specialized planning studies or projects. Examples could include completing technical portions of the Comprehensive Plan update, Goal 5 related work, and the Downtown Improvement Plan.

How has the City funded such studies in the past? Typically, long range planning studies or projects have been funded with a combination of resources. For example, the *Washington Square Regional Center Plan*, adopted by Council in 2002, took 2 -3 years to complete. It involved considerable resources from the City (\$134,000). It also included funding from the State through the Transportation and Growth Management (TGM) program.

Long range planning studies vary in the amount of complexity and costs associated with any particular study or project. Where staff expertise exists and scheduling allows, City staff is assigned to complete particular projects.

At its May 18, 2004 Council work session, Council directed staff to proceed with developing a long range planning fee that would be in addition to existing planning fees. Basically, a "surcharge" would be paid at the time of submittal of specific land use applications. The intent of the long range planning fee is to offset some or all of the costs of completing long range planning studies. It would be used to help pay the costs of hiring consultants, temporary staff or interns for specific identified projects, not for general long range activities, such as direct costs of City personnel or capital and/or equipment needs of the City.

With minor exception, it is proposed that planning fees increase by 14.76% for the long range planning surcharge. The existing planning fees are based on average costs for processing a particular application. Costs

include direct personnel costs, materials, notices, etc. The new planning fees not only would include those costs, but would also include an amount to offset the cost of doing long range planning projects. The few planning fees that do not increase include specific appeals, blasting permits, hearing postponements, and plat name changes.

The proposed long range planning fee is anticipated to generate approximately \$30,000 - \$40,000 per year. Given the fact that the fees are based on permit activity, the actual revenue could fluctuate from year to year. The goal is to have a fund to complete such long range planning projects as the City determines are necessary through the budgetary process.

Public notification of the proposed fee was given in the Tigard Times. Additionally, individual developers who submitted any land use application proposed for inclusion within the last 2 years, were provided notice. Notice was also posted in the lobby at City Hall.

OTHER ALTERNATIVES CONSIDERED

1. Take no action.
2. Delay action.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Attachment 1: Proposed resolution
Exhibit A: City of Tigard Fees and Charges Schedule
Attachment 2: Memo to City Council dated November 29, 2004

FISCAL NOTES

It is estimated that the long range planning fee could generate \$30,000 - \$40,000 per year. Actual amount of revenue is dependent upon permit activity.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION AMENDING RESOLUTION NO. 04-37 BY AMENDING EXHIBIT A THERETO AND INCREEASING CERTAIN LAND USE PLANNING FEES.

WHEREAS, the City Council has given direction to staff to determine the cost of recovering staff time and project costs for the Long Range program; and

WHEREAS, the current land use planning fees recover costs associated with the Current Planning program; and

WHEREAS, staff identified those land use planning fees that benefit from the Long Range Planning program; and

WHEREAS, Long Range Planning fees are to be spent for long range studies and may be used to hire consultants or temporary staff to assist with Long Range Planning projects; and

WHEREAS, funds will not be used not for off-setting direct staff costs; and

WHEREAS, the fund will grow over time to help offset project costs over several years; and

WHEREAS, staff has determined the amounts needed to recover the cost of the Long Range Planning program for each of the benefited land use planning fees,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 04-37 is hereby amended by amending Exhibit A to that resolution to read as shown in Exhibit A hereto and incorporated by this reference.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor - City of Tigard

ATTEST:

Deputy City Recorder - City of Tigard

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - PLANNING - Tigard & Urban Services			
	<i>Accessory Residential Units</i>	\$106.00	7/2/2004
		\$122.00	12/14/2004
	<i>Annexation</i>	\$2,006.00	7/2/2004
		\$2,302.00	12/14/2004
	<i>Appeal</i>		
	Director's Decision (Type II) to Hearings Officer	\$250.00	7/1/2003
	Expedited Review (Deposit)	\$300.00	7/1/2003
	Hearings Referee	\$500.00	7/1/2003
	Planning Commission/Hearing's Officer to City Council	\$2,016.00	7/1/2004
		\$2,314.00	12/14/2004
	<i>Approval Extension</i>	\$242.00	7/1/2004
		\$243.00	12/14/2004
	<i>Blasting Permit</i>	\$247.00	7/1/2004
	<i>Conditional Use</i>		
	Initial	\$4,174.00	7/1/2004
		\$4,790.00	12/14/2004
	Major Modification	\$4,174.00	7/1/2004
		\$4,790.00	12/14/2004
	Minor Modification	\$461.00	7/1/2004
		\$529.00	12/14/2004
	<i>Design Evaluation Team (DET) Recommendation (deposit)</i>	\$1,033.00	7/1/2004
		\$1,185.00	12/14/2004
	<i>Development Code Provision Review</i>		7/1/2004
	Single-Family Building Plan	\$42.00	12/14/2004
		\$48.00	
	Commercial/Industrial/Institution	\$264.00	
		\$303.00	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Expedited Review</i>		7/1/2004
	Land Partition	\$3,107.00	12/14/2004
		\$3,566.00	
	Subdivision	\$3,907.00 + \$83.00/Lot	
		\$4,484.00 + \$83.00/Lot	
	Subdivision with Planned Development	Add \$5,722.00	
		Add \$6,566.00	
	<i>Hearing Postponement</i>	\$239.00	7/1/2004
	<i>Historic Overlay/Review District</i>		7/1/2004
	Historic Overlay Designation	\$3,224.00	12/14/2004
		\$3,700.00	
	Removal Historic Overlay Designation	\$3,224.00	
		\$3,700.00	
	Exterior Alteration in Historic Overlay District	\$493.00	
		\$566.00	
	New Construction in Historic Overlay District	\$493.00	
		\$566.00	
	Demolition in Historic Overlay District	\$493.00	
		\$566.00	
	<i>Home Occupation Permit</i>		7/1/2004
	Type I	\$32.00	12/14/2004
		\$37.00	
	Type II	\$227.00	
		\$260.00	
	<i>Interpretation of the Community Development Code</i>	\$488.00	7/1/2004
		\$560.00	12/14/2004
	<i>Joint Application Planning Fee</i>	100% of Highest Planning Fee + 50% of all Additional Fees Related to the Proposal.	7/1/2003

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Land Partition</i>		7/1/2004
	Residential and Non-Residential (3 Lots)	\$2,992.00 \$3,434.00	12/14/2004
	Residential and Non-Residential (2 Lots)	\$2,462.00 \$2,825.00	
	Expedited	\$3,520.00 \$4,039.00	
	Final Plat	\$1,315.00 \$822.00	
	<i>Lot Line Adjustment</i>	\$383.00 \$440.00	7/1/2004 12/14/2004
	<i>Minor Modification to an Approved Plan</i>	\$461.00 \$529.00	7/1/2004
	<i>Non-Conforming Use Confirmation</i>	\$217.00 \$249.00	7/1/2004 12/14/2004
	<i>Planned Development</i>		
	Conceptual Plan Review	\$5,722.00 \$6,566.00	7/1/2004 12/14/2004
	Detailed Plan Review	Applicable SDR Fee	7/1/2003
	<i>Plat Name Change</i>	\$250.00	7/1/2004
	<i>Pre-Application Conference</i>	\$296.00 \$340.00	7/1/2004 12/14/2004
	<i>Sensitive Lands Review</i>		7/1/2004
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands (Type II)	\$1,932.00 \$2,217.00	12/14/2004
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands (Type III)	\$2,080.00 \$2,387.00	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Within the 100-Year Floodplaining (Type III)	\$2,080.00 \$2,387.00	
	<i>Sign Permit</i>		7/1/2004 12/14/2004
	Existing and Modification to an Existing Sign (No Size Differential)	\$32.00 \$37.00	
	Temporary Sign (Per Sign)	\$15.00 \$17.00	
	<i>Site Development Review & Major Modification</i>		7/1/2004 12/14/2004
	Under 100,000.00	\$3,536.00 \$4,058.00	
	1 Million/Over	\$4,642.00 + \$5.00/\$10,000.00 over 1- Million \$5,327.00 + \$5.00/\$10,000.00 over 1 Million	
	Minor Modification	\$461.00 \$529.00	
	<i>Subdivision</i>		7/1/2004 12/14/2004
	Preliminary Plat <u>without</u> Planned Development	\$4,107.00 + \$83.00/lot \$4,694.00 + \$83.00/lot	
	Preliminary Plat with Planned Development	Add \$5,722.00 Add \$6,540.00	
	Final Plat	\$1,315.00 \$1,509.00	
	<i>Temporary Use</i>		7/1/2004 12/14/2004 7/1/2003
	Director's Decision	\$241.00 \$277.00	
	Special Exemption/Non-Profit	\$0.00	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Tree Removal</i>	\$150.00 \$172.00	7/1/2004 12/14/2004
	<i>Vacation (Streets and Public Access)</i>	\$1,765.00 Deposit + Actual Costs \$2,017.00 Deposit + Actual Costs	7/1/2004 12/14/2004
	<i>Variance/Adjustment</i>		7/1/2004 12/14/2004
	Administrative Variance	\$493.00 \$566.00	
	Development Adjustment	\$217.00 \$249.00	
	Special Adjustments		
	Adjustment to a Subdivision	\$217.00 \$249.00	
	Reduction of Minimum Residential Density	\$217.00 \$249.00	
	Access/Egress Standards Adjustment	\$493.00 \$566.00	
	Landscaping Adjustments		
	Existing/New Street Trees	\$248.00 \$285.00	
	Parking Adjustments		
	Reduction in Minimum or Increase In Maximum Parking Ratio	\$493.00 \$566.00	
	Reduction in New or Existing Development/Transit Imprvmnt	\$493.00 \$566.00	
	Reduction in Bicycle Parking	\$493.00 \$566.00	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Alternative Parking Garage Layout	\$217.00 \$249.00	
	Reduction in Stacking Lane Length	\$493.00 \$566.00	
	Sign Code Adjustment	\$493.00 \$566.00	
	Street Improvement Adjustment	\$493.00 \$566.00	
	Tree Removal Adjustment	\$217.00 \$249.00	
	Wireless Communication Facility Adjustments		
	Setback from Nearby Residence	\$493.00 \$566.00	
	Distance from Another Tower	\$217.00 \$249.00	
	<i>Zoning Map/Text Amendment</i>		7/1/2004
	Legislative - Comprehensive Plan	\$7,134.00 \$8,187.00	12/14/2004
	Legislative - Community Development Code	\$2,804.00 \$3,218.00	
	Quasi-Judicial	\$2,570.00 \$2,949.00	
	<i>Zoning Analysis (Detailed)</i>	\$461.00 \$529.00	7/1/2004 12/14/2004
	<i>Zoning Inquiry Letter (Simple)</i>	\$53.00 \$61.00	7/1/2004 12/14/2004

MEMORANDUM

CITY OF TIGARD

TO: Mayor and City Council

FROM: Jim Hendryx

DATE: November 29, 2004

SUBJECT: Long Range Planning Fees

Background

In July 2003, Council discussed the potential of instituting an application fee that would support long range planning activities. The fee would help offset the cost of having outside resources involved in completing specialized planning studies or projects. Examples could include completing technical portions of the Comprehensive Plan update, Goal 5 related work, and the Downtown Improvement Plan, etc. These sorts of projects are funded through the General Fund and are budgeted yearly. Outside funding sources, such as grants, are considered when available. An example is the recently awarded TGM grant that is funding a major portion of the Downtown Improvement Plan. The State contributed approximately \$120,000 toward this project, while the City contributed both an in-kind and cash match. A team of consultants was hired to develop an improvement plan for Downtown Tigard. The City lacked resources to entirely fund this sort of project within the time frame the community expects.

How has the City funded such studies in the past? Typically, long range planning studies or projects have been funded with a combination of resources. For example, the *Washington Square Regional Center Plan*, adopted by Council in 2002, took 2 -3 years to complete. It involved considerable resources from the City (\$134,000). It also included funding from the State through the Transportation and Growth Management (TGM) program. Another example involved the *Tigard Triangle Plan*, adopted by the Council in 1997. There were two previous efforts that occurred that were not approved by Council. This project took consultants at least three times to develop. The final project took approximately two years to complete and was totally funded by the City and did not involve outside funding.

Long range planning studies vary in the amount of complexity and costs associated with any particular study or project. Where staff expertise exists and scheduling allows, City staff is assigned to complete particular projects. A recent example included the *Bull Mountain Annexation Study* and the *Public Facilities and Assessment Report for the Bull Mountain Area*. Staff expertise and resources allowed both of these studies to be completed over a period of months.

Other studies and projects require additional resources due to the complexity or intensity of the project or study. The Downtown Improvement Plan is such an example. The scope of the project involves extensive citizen involvement, detailed traffic analysis, marketing research, and community design elements. Ultimately, the Improvement Plan could result in major revisions to the Comprehensive Plan and Community Development Code. Various components of this study are outside the ability and/or expertise of staff to perform.

Proposed Surcharge

At its May 18, 2004 Council worksession, Council directed staff to proceed with developing a long range planning fee that would be in addition to existing planning fees. Basically, a "surcharge" would be paid at the time of submittal of specific land use applications. The intent of the long range planning fee is to offset the costs of completing long range planning studies. It would be used to help pay the costs of hiring consultants, temporary staff or interns for specific identified projects, not for general long range activities, such as direct costs of City personnel or capital and/or equipment needs of the City. Exhibit A identifies application types where the long range planning fee would be paid.

With minor exception, planning fees were increased by 14.76%. The existing planning fees are based on average costs for processing a particular application. Costs include direct personnel costs, materials, notices, etc. The new fees not only would include those costs, but would also include an amount to offset the cost of doing long range planning projects. The few fees that did not increase included specific appeals, blasting permits, hearing postponements, and plat name changes.

The proposed long range planning fee is anticipated to generate approximately \$30,000 - \$40,000 per year. Given the fact that the fees are based on permit activity, the actual revenue could fluctuate from year to year. The goal is to have a fund to complete such long range planning projects as the City determines are necessary through the budgetary process.

Public notification of the proposed fee was given in the Tigard Times. Additionally, individual developers who submitted any land use application proposed for inclusion within the last 2 years, were provided notice. Notice was also posted in the lobby at City Hall. We have not received any comments from the public regarding the proposed fees.

Summary

In conclusion, Council has established a goal to evaluate all fees and charges in an effort to move toward having applications and services be fee supported. The long range planning fee is a step toward achieving this goal.

AGENDA ITEM # 12
FOR AGENDA OF 12/14/04

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Adopt a Resolution Authorizing the City Manager to Apply for an Oregon Park and Recreation Department/Land and Water Conservation Fund Grant for a portion of the Fanno Creek Trail

PREPARED BY: Dan Plaza, 2590

DEPT HEAD OK



CITY MGR OK



ISSUE BEFORE THE COUNCIL

Should Council authorize the City Manager to submit to ORPD an application for federal funds available through the Land and Water Conservation Fund as a means of providing needed funding for the construction of a segment of the Fanno Creek Trail between Hall Boulevard and Wall Street.

STAFF RECOMMENDATION

Adopt the resolution authorizing the City Manager to submit the ORPD application.

INFORMATION SUMMARY

On Wednesday, November 16, 2004, Staff met with Marilyn Almero-Lippincott, the State Parks Grant Coordinator, to discuss two existing City of Tigard trail grants. Among other topics, we discussed the Land and Water Conservation Fund (LWCF) grant awarded to Tigard for the Grant/Main Fanno Creek Trail segment. LWCF are federal funds administered in Oregon by State Parks. The Grant/Main segment was picked for grant funding approximately two years ago. Marilyn indicated that the federal funding agency, the National Park Service, has allowed the City up to nine additional months to put together a ready-to-go project, with all necessary easements and permits in place and all state/federal required paperwork completed. Failure to meet this deadline would result in the loss of the grant dollars. Currently we are experiencing legal difficulties (unwilling seller, existing land use violation).

We discussed with Marilyn the possibility of transferring the dollars to another Fanno Creek Trail segment. The segment we have in mind is the southern or downstream section of the Hall to Wall library trail. Last year, we were awarded a grant from a different program (Recreational Trail Program) to fund this segment. However we have not moved ahead with construction due to the following: 1) pending approval by ODOT for a pedestrian cross walk across Hall Boulevard, and 2) permit requirements by CWS that affect the entire library site. Further, this segment is lacking funds due to the downscaling of the library project after we had applied for, and received, grant dollars. Due to other funding priorities, this section of the trail, included in the original site plan, was deleted from the construction contract. In our discussion with Marilyn we explored the idea of transferring the LWCF grant dollars to this deleted section.

Her response was that the grant program rules would prohibit the substitution of another trail segment outside of the original project limits. The rule applicable here is that the new project would not have gone through a federally-required committee rating process. However, she did outline another approach to accomplishing the

same outcome. The application due date for the next round of OPRD/LWCF applications is December 15, 2004. She suggests withdrawing our present Grant/Main project and re-submitting the unfunded library section. In our application and oral presentations we would explain that this new Fanno Creek segment application is intended to replace the previous Fanno Creek segment project.

Sticking with the original Grant/Main project is highly risky and could result in the loss of federal dollars, which can not be used for on-street trail improvements. This loss of federal dollars would not only affect the City, it would result in the State needing to return federal funds which the State does not want to do under any circumstances. It is important to note that we were led to understand that a repercussion of this could be some loss of goodwill toward the City by the State. Currently, the City of Tigard is held in high regard because of the recent Cook Park experience, and the other grants the City has been successful with.

Withdrawing from the current grant would not preclude re-applying for the same project at a later date. Because of the current legal difficulties (unwilling seller, existing land use violation), the Grant/Main segment is looking like a long-term project. Rather than risk losing the grant dollars as well as the goodwill of State Parks, we recommend following the Coordinator's recommended alternative Basically the State's preferred "course of action" is as follows: 1) Memo to the Coordinator stating that we are having problems with the Grant to Main Fanno Creek Trail project and that we want to withdraw this grant, and 2) re-apply for a new grant – 2nd segment of the Hall to Wall Fanno Creek Trail at Fanno Creek Park during the upcoming December 15, 2004 cycle.

OTHER ALTERNATIVES CONSIDERED

Do not apply for the grant.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

"Tigard Beyond Tomorrow" Council Visioning Process – Urban and Public Services – Goal 1, Strategy 1 – Acquire and Develop Park Land

ATTACHMENT LIST

- Attachment 1 – Council Resolution
- Attachment 2 – Memo Requesting to Withdraw Main/Grant Segment Grant
- Attachment 3 – Map of Fanno Creek Trail segment
- Attachment 4 – Fanno Path, Concrete Pathway costs

FISCAL NOTES

Should the City proceed with a new grant, we will seek \$52,192 in grant funds. All State Parks grant programs require a 50% match. A City match of \$53,000 in SDC funds is currently in place for Grant/Main and could be transferred to the new segment of the Fanno Creek Trail at Fanno Creek Park without the need to commit new City dollars.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-_____

A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON PARK AND RECREATION DEPARTMENT OF A FEDERAL LAND AND WATER CONSERVATION FUND GRANT TO PARTIALLY FINANCE THE CONSTRUCTION OF THE 2ND SEGMENT OF THE FANNO CREEK TRAIL AT FANNO CREEK PARK.

WHEREAS, the Oregon Park and Recreation Department has funding available through the Federal Land and Water Conservation Fund program for trail construction projects; and

WHEREAS, the City of Tigard desires to participate in this federal program as a means of financing needed Fanno Creek Trail construction; and

WHEREAS, the construction project specified above would fill a gap in the Fanno Creek Trail; and

WHEREAS, the proposed construction is identified in the adopted Tigard Park System Master Plan and in Metro's Fanno Creek Trail Action Plan; and

WHEREAS, the construction of the specified trail construction is defined in an application for Land and Water Conservation Funds; and

WHEREAS, the City hereby certifies that the matching share for this application will be readily available in FY 05-06,

NOW THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Manager is authorized to apply for Land and Water Conservation Fund funding assistance from the Oregon Park and Recreation Department for the construction of 2nd Segment of the Fanno Creek Trail at Fanno Creek Park as specified above.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2004.

Mayor – City of Tigard

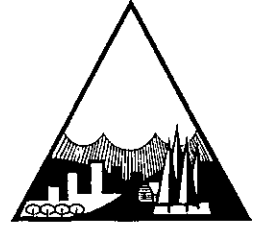
ATTEST:

Deputy City Recorder - City of Tigard

RESOLUTION NO. 04-

ATTACHMENT #1

MEMORANDUM



TO: Marilyn Almero-Lippincott

FROM: Dan Plaza

RE: Withdrawal of Main Street to Grant Street Trial Construction Grant

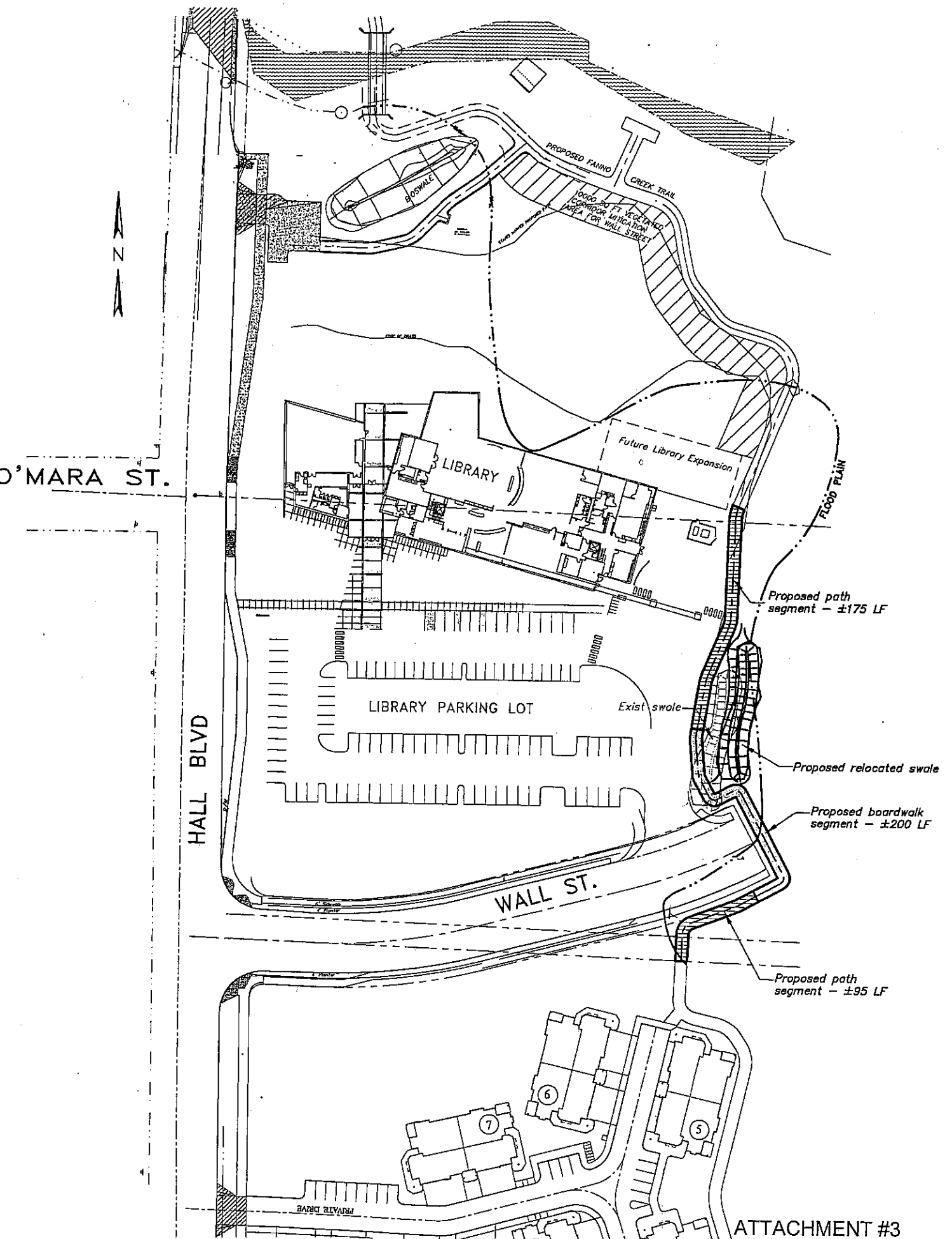
DATE: December 1, 2004

Thank you for meeting with us. As you know the City of Tigard is having difficulty in purchasing the needed property to complete the Main Street to Grant Street Segment of the Fanno Creek Trail. First of all there is an unwilling seller, and secondly, the property has a land use violation on it. Both of these difficulties will take a considerable amount of time to resolve.

After talking with you on November 17, 2004, it became clear to us that we should recommend to Council that the City withdraw this grant and reapply for another Fanno Creek Trail segment grant at Fanno Creek Park. It is our understanding that the new grant application is due on December 15, 2004.

In our new application and oral presentations we will explain to the committee that this new Fanno Creek segment is intended to replace the previous Fanno Creek segment project. It is our understanding that by treating the new Fanno Creek Park segment as a replacement for the old Grant Street/Main Street segment, the State would be able to keep the previously-allocated grant dollars and re-allocate them to a new project. We understand that the new application will be evaluated as a new application and that there are no assurances that we will get the replacement grant funded.

Once again, thank you for meeting with us and sharing with us a possible course of action in regard to this issue.



**FANNO PATH
CONCRETE PATHWAY**

DESCRIPTION	BID QUANTITY	UNIT	ENGINEER'S ESTIMATE UNIT PRICE	TOTAL AMOUNT
MOBILIZATION	*****	L.S.	*****	\$4,000.00
DUST/EROSION /SEDIMENTATION CONTROL	*****	L.S.	*****	\$1,200.00
CLEARING AND GRUBING	*****	L.S.	*****	\$1,200.00
WETLAND MITIGATION	*****	L.S.	*****	\$15,000.00
EXIST SWALE RELOCATION	*****	L.S.	*****	\$10,000.00
PATHWAY EXCAVATION	150	C.Y.	\$30.00	\$4,500.00
REMOVE TREES	5	EA.	\$150.00	\$750.00
CONCRETE	240	S.Y.	\$15.00	\$3,600.00
2"-0" BASEROCK	58	C.Y.	\$45.00	\$2,610.00
3/4"-0" LEVELING ROCK	50	C.Y.	\$60.00	\$3,000.00
AGGREGATE SHOULDER ROCK	4	C.Y.	\$30.00	\$120.00
BOARDWALK	200	L.F.	\$100.00	\$20,000.00
		PROJECT TOTAL		\$65,980.00
		15% ENGINEERING AND ADMINISTRATION		\$9,897
		GRAND TOTAL (Rounded)		\$75,900

ATTACHMENT #4

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Public Works Department: Mission/Values Exercise Results

PREPARED BY: Brian Rager DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

The Public Works staff will report as to the results of a recent exercise conducted with the department.

STAFF RECOMMENDATION

No action required. Information only.

INFORMATION SUMMARY

The Public Works department has gone through some personnel changes over the last year, including changes in management staff. In addition, the department identified some key concerns related to the internal culture and environment and was seeking a process that would help to bring about a positive change. It was also a good time to evaluate how the external customers of the department view the service provided.

During the summer of 2004, the department began a process referred to as the Mission & Values Exercise. This process involved all Public Works staff and began with a department-wide setting where Staff (management and non-management) were mixed into six different discussion groups. These groups were facilitated by staff from other departments. The result of these group discussions, as well as follow-up discussions with Staff, is a new Mission Statement, Slogan and a set of Core Values for the Public Works Department.

OTHER ALTERNATIVES CONSIDERED

n/a

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

n/a

ATTACHMENT LIST

PowerPoint Presentation

FISCAL NOTES

Only minor printing costs for business cards, wall-mounted displays and door decals.

Public Works Department

Mission & Values Exercise Results

A wise business man once said...

- "If you run your business this year the way you ran your business last year, you will not be in business next year."

Public Works: Mission & Values Exercise

2

Issues in Public Works:

- Changes in personnel
- Concern with internal culture: How do we treat each other?
- Concern with Customer Service: How are we doing?

Good opportunity to ask ourselves what we value and what our mission should be.

Public Works: Mission & Values Exercise

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Mission & Values Exercise:

- Department-wide kickoff on June 29, 2004.
- Discussion groups included all staff.
- Facilitators recruited from other departments.
 - Non-biased help
 - Allowed supervisor/management staff to be mixed in the groups.

Public Works: Mission & Values Exercise

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Mission & Values Exercise:

- We asked three primary questions:
 - "What are the most important things you value in the work environment?"
 - "What do you see as the Department mission?"
 - "How do you want to be treated by your coworkers?"

Public Works: Mission & Values Exercise

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Discussion Results: Values

- | | |
|------------|---------------------------|
| ■ Safety | ■ Support from Management |
| ■ Respect | ■ Leadership |
| ■ Honesty | ■ Professionalism |
| ■ Humor | ■ Quality Training |
| ■ Laughter | ■ Fairness to All |
| ■ Trust | ■ Teamwork |

Public Works: Mission & Values Exercise

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Discussion Results: Mission

- Provide good, courteous, prompt service.
- Operate professionally.
- Maintain the City Infrastructure to the best of our ability.
- Go the extra mile.
- Provide a high-quality product.

Public Works: Mission & Values Exercise

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Discussion Results: Treatment

- Respect
- Treat as equals (no favoritism)
- Fairness to all
- Be consistent
- Deal with individual problems; do not punish the whole group.
- Treat others as you want to be treated.
- Be friendly to one another.
- Be trustworthy.

Public Works: Mission & Values Exercise

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Follow Up to Discussion

- Management staff developed drafts of Mission Statement, Slogan and list of Values.
- Managers met with each division to review drafts.
- Final All-Staff meeting on September 30, 2004
 - Final comments and changes
 - Celebration luncheon

Public Works: Mission & Values Exercise

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Public Works Mission Statement

"The Public Works Department proudly provides stewardship over the City's water, sanitary sewer, storm drainage, streets, fleet, buildings, and parks services in a safe, efficient, courteous and professional manner."

Public Works: Mission & Values Exercise

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Public Works Slogan

"Taking care of the community"

Public Works: Mission & Values Exercise

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Public Works Core Values

Professionalism
Respect
Integrity
Dedication
Enthusiasm

Public Works: Mission & Values Exercise

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Other Follow Up

- Public Works customer satisfaction survey.
 - Proposed for introduction after January 1, 2005.
- New clothing policy.

Public Works: Mission & Values Exercise

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Next Steps:

- Slogan on PW business cards
- Slogan on door decals
- Make Mission Statement, Slogan and Core Values visible.
- Conduct our business in accordance with our Mission and Core Values.
- Mission and Values will become part of performance reviews.
- Review Mission & Values biannually.

Public Works: Mission & Values Exercise

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Slogan: Door Decal Example



Public Works: Mission & Values Exercise

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